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1 BY THE WITNESS:

2 A. This -- I'm -- this map was filed as part  
3 of our injunction, and when it was filed was the  
4 first time I saw the map.

5 BY MR. BRUCE:

6 Q. And my question is, you don't know where  
7 it came from, true?

8 MS. LIGHTFOOT: Objection;  
9 mischaracterizes his testimony. And if the answer  
10 to that question involves a privileged  
11 communication with counsel, I would instruct you  
12 not to answer. Otherwise, feel free.

13 BY THE WITNESS:

14 A. And I believe it's political -- I mean,  
15 privileged communication with my counsel. I will  
16 not.

17 BY MR. BRUCE:

18 Q. Okay. So other than what your lawyers  
19 have told you, sir, do you know who drew the map  
20 that's marked as Exhibit 5 and entitled the Fair  
21 Congressional Map?

22 A. No.

23 Q. Do you know -- other than what your  
24 lawyers have told you, do you know the intent of

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1 any of the individuals that drew the lines on that  
2 map?

3 MS. LIGHTFOOT: Object to the form,  
4 assumes facts not in evidence.

5 BY THE WITNESS:

6 A. No.

7 BY MR. BRUCE:

8 Q. Have you reviewed the demographic  
9 information concerning the -- what has been titled  
10 the Fair Congressional Map?

11 MS. LIGHTFOOT: You can answer that  
12 question yes or no, if you understand the question.

13 BY THE WITNESS:

14 A. And if I can just for clar- -- I'm not  
15 sure of timeline. Before or after? I mean,  
16 after --

17 BY MR. BRUCE:

18 Q. I'll help you out. At any time, sir, have  
19 you seen any demographic information that would  
20 correspond with the map which has been titled,  
21 quote: The Fair Congressional Map which is  
22 attached to Exhibit 5 of your deposition?

23 MS. LIGHTFOOT: And you can answer that  
24 yes or no.

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1 BY THE WITNESS:

2 A. Yes.

3 BY MR. BRUCE:

4 Q. And where did you first see that  
5 information?

6 MS. LIGHTFOOT: You can answer that  
7 question.

8 BY THE WITNESS:

9 A. In consultations with the attorneys.

10 BY MR. BRUCE:

11 Q. And is the sole basis of -- your  
12 demographic knowledge of the Congressional map  
13 which was provided to you by your attorneys, is the  
14 sole basis of that from your attorneys, or do you  
15 have an independent basis of that demographic data?

16 MS. LIGHTFOOT: Object to the form of the  
17 question, mischaracterizes the prior testimony in  
18 the record, but you can answer it.

19 BY THE WITNESS:

20 A. Sole information is from attorneys.

21 BY MR. BRUCE:

22 Q. And just for the record -- and I don't  
23 want to belabor the point. It's my understanding,  
24 sir, that you gave an interview after this lawsuit

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1 was filed to a member of the press and it was  
2 videotaped; is that true?

3 A. That's true.

4 MR. BRUCE: All right. And am I correct,  
5 counsel, that you're going to object and preclude  
6 me from showing the Congressman the video and ask  
7 him questions regarding that?

8 MS. LIGHTFOOT: You are not correct.

9 MR. BRUCE: Okay. Are you going to allow  
10 me to ask questions about that and show it to him?

11 MS. LIGHTFOOT: I have an objection to the  
12 method of disclosure of this videotape as -- as we  
13 indicated. You sent me an email at 6:30 last night  
14 after the State Board of Elections, who you  
15 represent, had produced responsive documents to a  
16 series of discovery requests that we had tendered  
17 upon the state.

18 The first that I heard that there was  
19 going to be any supplementation of the documents  
20 that were produced is when you sent me an email  
21 last night with a video link. I object to the form  
22 in which that production was made, but we'll take  
23 whatever questions you have on a  
24 question-by-question basis.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

- - - - -X  
COMMITTEE FOR A FAIR AND BALANCED :  
MAP, JUDY BIGGERT, ROBERT J. DOLD, :  
RANDY HULTGREN, ADAM KINZINGER, :  
DONALD MANZULLO, PETER J. ROSKAM, :  
BOBBY SCHILLING, AARON SCHOCK, :  
JOHN M. SHIMKUS, JOE WALSH, RALPH :  
RANGEL, LOU SANDOVAL, LUIS :Case No. 1:11-cv-05065  
SANABRIA, MICHELLE CABALLERO, :  
EDMUND BREZINSKI, and :  
LAURA WAXWEILER, :  
Plaintiffs, :  
v. :  
ILLINOIS STATE BOARD OF ELECTIONS, :  
WILLIAM M. MCGUFFAGE, :  
JESSE R. SMART, BRYAN A. SCHNEIDER, :  
BETTY J. COFFRIN, HAROLD D. BYERS, :  
JUDITH C. RICE, CHARLES W. SCHOLZ, :  
and ERNEST L. GOWEN, :  
Defendants. :

- - - - -X  
Washington, D.C.  
Thursday, October 6, 2011

Videoconference Deposition of AARON  
SCHOCK, a witness herein, called for examination by  
counsel for Defendants, in the above-entitled matter,  
pursuant to notice, the witness being duly sworn by

SUSAN L. CIMINELLI, a Notary Public in and for the  
District of Columbia, taken at the offices of Mayer  
Brown, LLP, 1999 K Street, N.W., Washington, D.C., at  
3:36 p.m., and the proceedings being taken down by  
Stenotype by SUSAN L. CIMINELLI, CRR, RPR.

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<p>1 A. No.</p> <p>2 MR. PANOFF: Objection. Foundation.</p> <p>3 BY MR. BRUCE:</p> <p>4 Q. Yes. I think I said if there was a public</p> <p>5 announcement. You're not aware, Congressman of any</p> <p>6 public announcement by any sitting United States</p> <p>7 Congressman that has indicated that they will be</p> <p>8 running against you, is that true?</p> <p>9 A. No. I'm not aware of anyone who is a</p> <p>10 United States Congressman announcing that they are</p> <p>11 going to run against me in the 18th Congressional</p> <p>12 District.</p> <p>13 Q. Congressman, did you have any involvement</p> <p>14 at all in drawing the congressional district map that</p> <p>15 was passed into law in Springfield?</p> <p>16 MR. PANOFF: Object to the form. Go ahead</p> <p>17 and answer.</p> <p>18 THE WITNESS: No.</p> <p>19 BY MR. BRUCE:</p> <p>20 Q. At any time during the redistricting</p> <p>21 process, did you speak to any Illinois state</p> <p>22 legislator regarding the congressional map that was</p>	<p>1 my -- about the map. About my district, what perhaps</p> <p>2 could happen.</p> <p>3 But again, no specific -- nothing</p> <p>4 specific, I would say, with anyone of authority that</p> <p>5 would be drawing the lines.</p> <p>6 Q. Did you know -- well, strike that. Do you</p> <p>7 know whether there were any Republican State</p> <p>8 Representatives that were on the House, Illinois</p> <p>9 House Redistricting Committee?</p> <p>10 A. I don't know that. I actually don't know.</p> <p>11 I mean, I think they had a -- I don't know.</p> <p>12 Q. Okay. Do you know whether there were any</p> <p>13 Republican Senate members of the Illinois State</p> <p>14 Senate Redistricting Committee, do you know one way</p> <p>15 or the other?</p> <p>16 A. If I were pressed to answer, I would say</p> <p>17 that I think they had Republicans and Democrats on a</p> <p>18 committee. My view of that was that that committee</p> <p>19 really didn't do much other than have hearings</p> <p>20 because at the end of the day, they were having</p> <p>21 hearings all through May. I think they maybe had one</p> <p>22 in Peoria. I remember reading one in my local</p>
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<p>1 passed into law?</p> <p>2 A. Well, any Illinois legislator? Obviously</p> <p>3 after the election in November of last year when it</p> <p>4 became apparent who was going to control the House,</p> <p>5 the Senate and the Governorship, there was a lot of</p> <p>6 speculation among members of Congress, as well as</p> <p>7 State Reps. and State Senators as to what a</p> <p>8 Democratic House, Senate and Governor would do in</p> <p>9 terms of drawing a map.</p> <p>10 So I know that I had multiple</p> <p>11 conversations with people who are in the state</p> <p>12 legislature about the map process. But if you're</p> <p>13 speaking, did I -- was I privy to any insider</p> <p>14 discussion or people who were actually drawing the</p> <p>15 map, the answer would be no.</p> <p>16 But as a member of Congress, I interact</p> <p>17 with the roughly seven or eight State Representatives</p> <p>18 roughly four State Senators who make up my</p> <p>19 congressional district on at least a monthly basis,</p> <p>20 meetings in my office when we are talking about</p> <p>21 projects and issues relative to my district. And so</p> <p>22 I would have conversations with them obviously about</p>	<p>1 newspaper, they had one near me.</p> <p>2 And -- but in the same time, I continued</p> <p>3 to hear from my colleagues in the legislature that</p> <p>4 the map was being drawn, and shortly thereafter at</p> <p>5 the end of May, the map came out and there were</p> <p>6 promised hearings where public comment would be able</p> <p>7 to be made once the map was released and that never</p> <p>8 came to fruition.</p> <p>9 So I don't remember who was on the</p> <p>10 committee or I want to say Kwame Raoul was the</p> <p>11 chairman of the Senate committee maybe or something.</p> <p>12 I know him because I served with him. He took</p> <p>13 President Obama's seat in the statehouse, or in the</p> <p>14 State Senate, but I can't give you any names of</p> <p>15 anybody on those committees. I never attended any of</p> <p>16 their hearings and that's all I know.</p> <p>17 Q. Based on that answer, I've got a follow-up</p> <p>18 up on a couple of points. First of all, I think we</p> <p>19 digressed. I was just asking you whether or not you</p> <p>20 were aware of any Republicans on the State Senate</p> <p>21 Redistricting Committee. And from what I understand,</p> <p>22 you're saying, you don't know of any?</p>

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<p>1 A. No.</p> <p>2 Q. Is that correct?</p> <p>3 A. No.</p> <p>4 Q. Okay. Did you ever -- strike that. Did</p> <p>5 you have any conversations that you can recall having</p> <p>6 with any members of the Illinois legislators who were</p> <p>7 on the state redistricting committees, whether it be</p> <p>8 the House or the Senate?</p> <p>9 A. Well, since I can't tell you who was on</p> <p>10 the committee, I can't tell you whether I had any</p> <p>11 conversations with them. But if I talked to any</p> <p>12 State Representative or State Senator about this</p> <p>13 whole process, I never knew they were on the state</p> <p>14 committee.</p> <p>15 Q. I understand. And I think you answered</p> <p>16 the question. You were aware that there were State</p> <p>17 Redistricting Committee meetings being held within</p> <p>18 your congressional district while the process was</p> <p>19 ensuing, is that true?</p> <p>20 MR. PANOFF: Objection. Mischaracterizes</p> <p>21 testimony.</p> <p>22 MR. BRUCE: Wait a minute. I'm sorry.</p>	<p>1 my newspapers, and I do remember reading one of the</p> <p>2 stories in the paper about a redistricting hearing</p> <p>3 taking place somewhere in my district. And I think</p> <p>4 it was in Peoria. If it wasn't in Peoria, it would</p> <p>5 have been in East Peoria, Pekin, somewhere that the</p> <p>6 Peoria Journal Star would have covered it, but that's</p> <p>7 what I recall.</p> <p>8 BY MR. BRUCE:</p> <p>9 Q. Were you aware one way or the other</p> <p>10 whether there were any websites for the House --</p> <p>11 Illinois House Redistricting Committee?</p> <p>12 A. No.</p> <p>13 Q. Were you aware one way or the other</p> <p>14 whether there was any websites for the Illinois State</p> <p>15 Senate Redistricting Committee?</p> <p>16 A. No.</p> <p>17 Q. Suffice it to say, Congressman, you did</p> <p>18 not personally attend any Illinois Redistricting</p> <p>19 Committee meetings, is that true?</p> <p>20 A. Correct.</p> <p>21 Q. And did you ever at any time send any</p> <p>22 representative or counsel to any Illinois</p>
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<p>1 Your lawyer objected, so I have to rephrase the</p> <p>2 question.</p> <p>3 BY MR. BRUCE:</p> <p>4 Q. I thought I heard you say that you read in</p> <p>5 the newspaper that there was a Redistricting</p> <p>6 Committee meeting in Peoria. Is that true?</p> <p>7 MR. PANOFF: I believe he testified he</p> <p>8 thought that there might have been, but feel free to</p> <p>9 ask your question.</p> <p>10 BY MR. BRUCE:</p> <p>11 Q. The record speaks for itself. You can</p> <p>12 answer, Congressman.</p> <p>13 MR. PANOFF: Let's read back the question,</p> <p>14 please.</p> <p>15 THE REPORTER: "Question: I thought I</p> <p>16 heard you say that you read in the newspaper that</p> <p>17 there was a Redistricting Committee meeting in</p> <p>18 Peoria. Is that true?"</p> <p>19 THE WITNESS: I was not aware of the</p> <p>20 meetings until they took place. I mean, I did not</p> <p>21 get an invitation. I did not read a formal notice.</p> <p>22 I get clips out here as a member of Congress from all</p>	<p>1 Redistricting Committee meetings?</p> <p>2 A. No.</p> <p>3 Q. When did you first hire counsel with</p> <p>4 respect to any issue concerning the redistricting of</p> <p>5 the Congressional map?</p> <p>6 A. It would have been late last year, early</p> <p>7 this year. I'm not -- do not recall the specific</p> <p>8 date.</p> <p>9 Q. Can you tell me the month?</p> <p>10 A. Late, I mean December, January.</p> <p>11 Q. Either December 2010 or January 2011 is</p> <p>12 your best recollection as to when you first hired</p> <p>13 counsel with respect to redistricting? Is that true?</p> <p>14 A. Correct. Yes.</p> <p>15 Q. And what was the -- what was the name of</p> <p>16 the lawyer that you hired or lawyers?</p> <p>17 A. Mayer Brown.</p> <p>18 Q. And can you tell me the name of the lawyer</p> <p>19 that you dealt with in December of 2010 and January</p> <p>20 2011?</p> <p>21 MR. PANOFF: He is only asking for the</p> <p>22 name, to the extent you remember.</p>

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<p>1 THE WITNESS: Well, I don't -- I mean, I</p> <p>2 don't even know. I mean, I don't -- I don't know who</p> <p>3 we -- I mean, Tom. I don't know if -- you know,</p> <p>4 we've had what, a couple of attorneys that have</p> <p>5 worked with us. So I mean, it wasn't like there was</p> <p>6 a formal --</p> <p>7 MR. PANOFF: I'll caution you not to</p> <p>8 divulge any of the content of any of the discussions.</p> <p>9 He is just asking you if you remember any of the</p> <p>10 names of the attorneys you met with. If you don't,</p> <p>11 you don't. If you do, tell him.</p> <p>12 THE WITNESS: Well, Ty Fahner is one that</p> <p>13 I probably talked to the most at the beginning</p> <p>14 because -- so I would say Ty Fahner.</p> <p>15 BY MR. BRUCE:</p> <p>16 Q. Okay. And did any lawyer on your behalf</p> <p>17 at any time submit any proposals, drafts, suggestions</p> <p>18 or input to the Illinois redistricting committees</p> <p>19 that were drawing the map?</p> <p>20 MR. PANOFF: That can be answered yes or</p> <p>21 no, to the best of your knowledge.</p> <p>22 THE WITNESS: To the best of my knowledge,</p>	<p>1 prior testimony.</p> <p>2 THE WITNESS: I'm not aware of any</p> <p>3 opportunity for my legal representation to submit an</p> <p>4 alternative map prior to the legislature acting.</p> <p>5 BY MR. BRUCE:</p> <p>6 Q. Okay. That wasn't my question, though.</p> <p>7 Did you -- did you understand that the Illinois</p> <p>8 legislature was in the process of redrawing</p> <p>9 congressional district lines?</p> <p>10 A. Yes.</p> <p>11 Q. And you knew that before the map was</p> <p>12 passed into law, true?</p> <p>13 A. Correct.</p> <p>14 Q. Did you ever yourself make any effort to</p> <p>15 appear before any of the committees that were drawing</p> <p>16 the map?</p> <p>17 MR. PANOFF: Are you asking whether he did</p> <p>18 personally or through his attorneys?</p> <p>19 MR. BRUCE: I think my question is very</p> <p>20 clear. Ma'am, can I have it back, please?</p> <p>21 THE REPORTER: "Question: Did you ever</p> <p>22 yourself make any effort to appear before any of the</p>
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<p>1 no.</p> <p>2 BY MR. BRUCE:</p> <p>3 Q. And there was nothing precluding your</p> <p>4 lawyers from providing suggestions or draft maps or</p> <p>5 any input, to your knowledge, is that true?</p> <p>6 MR. PANOFF: Object to the form. Again,</p> <p>7 to the extent you know.</p> <p>8 THE WITNESS: I would have no knowledge</p> <p>9 because as I mentioned earlier in my testimony, I'm</p> <p>10 not familiar with this process that you speak of that</p> <p>11 took place until I read about a meeting that took</p> <p>12 place in my district after the fact. So I'm not</p> <p>13 familiar with --</p> <p>14 BY MR. BRUCE:</p> <p>15 Q. I'm sorry. I didn't mean to interrupt</p> <p>16 you, Congressman. Go ahead.</p> <p>17 A. No. That's it.</p> <p>18 Q. Okay. Well, are you suggesting that you</p> <p>19 did not know that the Illinois legislature was going</p> <p>20 through a process to redraw, among other things, the</p> <p>21 Congressional map before it was actually drawn?</p> <p>22 MR. PANOFF: Objection. Mischaracterizes</p>	<p>1 committees that were drawing the map?"</p> <p>2 MR. PANOFF: Object to the form. And to</p> <p>3 the extent it's calling for anything regarding the</p> <p>4 conduct of attorneys, I'll instruct you not to answer</p> <p>5 as to the conduct of attorneys and communications</p> <p>6 with the attorneys.</p> <p>7 THE WITNESS: No. I did not.</p> <p>8 BY MR. BRUCE:</p> <p>9 Q. All right. Well, your lawyer has now</p> <p>10 brought up an excellent point. So now that he has,</p> <p>11 I'm glad that he has, and we'll get into it. Did</p> <p>12 Mayer Brown &amp; Platt ever appear at any time at any of</p> <p>13 the redistricting committee meetings on your behalf?</p> <p>14 MR. PANOFF: Object to the form.</p> <p>15 Foundation. Calls for speculation. To the extent</p> <p>16 you know, feel free to answer.</p> <p>17 THE WITNESS: Not that I'm aware.</p> <p>18 BY MR. BRUCE:</p> <p>19 Q. All right. Did Mayer Brown &amp; Platt ever</p> <p>20 forward any maps to the Illinois Redistricting</p> <p>21 Committee on your behalf, to your knowledge?</p> <p>22 MR. PANOFF: Object to the form.</p>

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<p>1 Foundation. Calls for speculation.</p> <p>2 THE WITNESS: Not that I'm aware of.</p> <p>3 BY MR. BRUCE:</p> <p>4 Q. Yeah. I don't want you to speculate on</p> <p>5 any of this. I would believe that as a sitting U.S.</p> <p>6 Congressman, if some law firm on your behalf sent a</p> <p>7 map to Springfield, that you would be aware of it.</p> <p>8 That's why I'm asking you. That wasn't done?</p> <p>9 MR. PANOFF: That was a nice speech, but</p> <p>10 let's stick to asking questions. If you have a</p> <p>11 question, ask your question.</p> <p>12 MR. BRUCE: Tom, you keep interrupting me.</p> <p>13 Because of your objections, I'm having to ask</p> <p>14 follow-up questions and frankly, I don't think that</p> <p>15 your objections are meritorious, but we'll keep going</p> <p>16 and try to get through this.</p> <p>17 MR. PANOFF: They have been perfectly</p> <p>18 appropriate objections to inappropriate questions.</p> <p>19 If you have appropriate questions, feel free to ask</p> <p>20 them.</p> <p>21 BY MR. BRUCE:</p> <p>22 Q. All right. Congressman, are you aware of</p>	<p>1 with the form?</p> <p>2 MR. PANOFF: It's vague.</p> <p>3 MR. BRUCE: Can I have the question back,</p> <p>4 madam court reporter?</p> <p>5 THE REPORTER: "Question: Did you ever</p> <p>6 yourself make any inquiry to determine whether or not</p> <p>7 you could provide input to the Illinois Redistricting</p> <p>8 Committee as to how the Congressional lines were</p> <p>9 going to be drawn?"</p> <p>10 BY MR. BRUCE:</p> <p>11 Q. Congressman, do you understand that</p> <p>12 question?</p> <p>13 A. Well, I do, but if I can say, how do I</p> <p>14 inquire into a process that I'm not aware of?</p> <p>15 Q. Could you have called Springfield and</p> <p>16 asked or looked on the Internet as to what the</p> <p>17 process was?</p> <p>18 MR. PANOFF: Object to the form.</p> <p>19 THE WITNESS: Well, sure, I could have,</p> <p>20 but I've already stated clearly earlier that I wasn't</p> <p>21 aware of this process. So if you ask me a hundred</p> <p>22 questions about specifics of the process, I'm going</p>
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<p>1 anyone on your behalf that appeared and offered any</p> <p>2 input on any Illinois Redistricting Committee?</p> <p>3 MR. PANOFF: Object to the form.</p> <p>4 THE WITNESS: I am not aware of anyone</p> <p>5 doing that.</p> <p>6 BY MR. BRUCE:</p> <p>7 Q. Are you aware of any rule, regulation or</p> <p>8 guideline of the Illinois Redistricting Committees</p> <p>9 that would have barred your representatives from</p> <p>10 providing input to the redistricting process?</p> <p>11 MR. PANOFF: Object to the form.</p> <p>12 THE WITNESS: As -- I'm not aware of it.</p> <p>13 I'm not, as I mentioned, I am not aware of this whole</p> <p>14 -- I'm not aware of any of the rules or guidelines or</p> <p>15 process to this, so you know -- the answer is no.</p> <p>16 BY MR. BRUCE:</p> <p>17 Q. Did you ever yourself make any inquiry to</p> <p>18 determine whether or not you could provide input to</p> <p>19 the Illinois Redistricting Committee as to how the</p> <p>20 Congressional lines were going to be drawn?</p> <p>21 MR. PANOFF: Object to the form.</p> <p>22 MR. BRUCE: I'm sorry, Tom, what's wrong</p>	<p>1 to have to tell you I'm not aware of anything or</p> <p>2 having done anything, because I'm not familiar with</p> <p>3 the process.</p> <p>4 So I guess -- I mean, I'm trying to be</p> <p>5 helpful here, but no, I'm not aware of anyone doing</p> <p>6 anything on my behalf in that process. I didn't do</p> <p>7 anything in that process, because I was not aware of</p> <p>8 that process. Period.</p> <p>9 BY MR. BRUCE:</p> <p>10 Q. Congressman, were you aware that the</p> <p>11 Illinois legislature was going through a process to</p> <p>12 redraw the congressional district lines before the</p> <p>13 map was passed into law?</p> <p>14 A. No. I mean, I knew that the legislature</p> <p>15 had to draw maps. Okay. But as to what their</p> <p>16 process internally was going to be to do that, I was</p> <p>17 not privy to it.</p> <p>18 Q. Fair enough. And you didn't make any</p> <p>19 inquiry to determine how they were going to do it?</p> <p>20 Is that fair?</p> <p>21 A. That's -- yes.</p> <p>22 Q. Okay. Now, I think I understood your</p>

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<p>1 previous testimony with respect to conversations with 2 legislators, and I'm going to try and ask some broad 3 questions so that we can move on to the next topic. 4 If I heard you correctly, you did have conversations 5 during the time period the map process was being 6 developed with Illinois legislators, but nothing 7 specific that you can recall as you sit here today. 8 Is that true?</p> <p>9 <b>A. Correct.</b></p> <p>10 <b>MR. PANOFF:</b> Object to the form.</p> <p>11 <b>BY MR. BRUCE:</b></p> <p>12 <b>Q.</b> Well, because your lawyer objected, I have 13 to ask a follow-up question. Can you recall any 14 specific conversations that you've had with any 15 Illinois legislator during the time period that the 16 Illinois legislature was in the process of redrawing 17 the congressional district lines about the 18 redistricting process?</p> <p>19 <b>A. No.</b></p> <p>20 <b>Q.</b> Am I correct, Congressman, that you have 21 no firsthand knowledge as to the reasons why the 22 congressional district map that was passed into law</p>	<p>1 <b>Springfield because it's in my congressional district</b> 2 <b>and I was at the Capitol, and it was at a time period</b> 3 <b>when the -- it was in May of 2011. And the</b> 4 <b>legislature had -- apparently the Speaker's office,</b> 5 <b>Mike Madigan's office had, I guess, settled their map</b> 6 <b>and they were calling in individual State</b> 7 <b>Representatives to show them their portion of the</b> 8 <b>newly drawn State House map.</b></p> <p>9 <b>And I was on the floor of the State House</b> 10 <b>talking to my former colleagues and every once in a</b> 11 <b>while one would get a phone call on their cell phone</b> 12 <b>asking them to come up to the Speaker's office. And</b> 13 <b>they were getting to see their new map.</b></p> <p>14 <b>And the joke was the only people getting</b> 15 <b>called were the ones with really good State House</b> 16 <b>districts. And so when they would get called by the</b> 17 <b>Speaker's office, they would kind of get excited to</b> 18 <b>go into the Speaker's office to see their new map.</b></p> <p>19 <b>And my understanding was Tim Mapes, the</b> 20 <b>Speaker's chief of staff was the one showing them the</b> 21 <b>map. So I decided to go to the Speaker's office to</b> 22 <b>see perhaps if he had my map. I know Tim Mapes very</b></p>
Page 27	Page 29
<p>1 was drawn?</p> <p>2 <b>MR. PANOFF:</b> Object to the form.</p> <p>3 <b>THE WITNESS:</b> Who would -- let me ask you 4 this. Who would be firsthand knowledge? I mean, me 5 and the person with the pen? Me -- I mean, what's -- 6 help me understand what firsthand knowledge is.</p> <p>7 <b>BY MR. BRUCE:</b></p> <p>8 <b>Q.</b> Sure. I can help you out. Do you know 9 who drew the map?</p> <p>10 <b>MR. PANOFF:</b> You're referring to the map 11 enacted into law?</p> <p>12 <b>MR. BRUCE:</b> Yes, Tom -- I'll agree with 13 that.</p> <p>14 <b>THE WITNESS:</b> I don't know who 15 specifically drew the map. No.</p> <p>16 <b>BY MR. BRUCE:</b></p> <p>17 <b>Q.</b> Okay. Do you know anyone that was 18 involved in the map making process?</p> <p>19 <b>A. Absolutely. We -- I guess my assumption</b> 20 <b>is the legislative -- I mean -- the only conversation</b> 21 <b>I had relative to the map process was with Michael</b> 22 <b>Madigan's chief of staff, Tim Mapes. And I was in</b></p>	<p>1 <b>well. Have a good relationship with him. And did it</b> 2 <b>more as a joke, knowing that even if he had it, he</b> 3 <b>probably wouldn't show it to me, but I went to the</b> 4 <b>Speaker's office, told the receptionist that I was</b> 5 <b>there to see Mr. Mapes, that he had called me and</b> 6 <b>asked me to come in to see the map.</b></p> <p>7 <b>And they looked a little puzzled and said,</b> 8 <b>well, let me check. And then they invited me back</b> 9 <b>and, you know, he said, oh, what honor do I have to</b> 10 <b>have you come in, what do you need. And I said,</b> 11 <b>well, I understand you're passing out maps, I'd like</b> 12 <b>to get mine.</b></p> <p>13 <b>And he just kind of laughed and said, you</b> 14 <b>know that I'm not drawing your map. And I said,</b> 15 <b>well, come on, you know who's got the map. And -- or</b> 16 <b>you've got to have a copy of the map. And he said,</b> 17 <b>no, he said we are leaving that up to President</b> 18 <b>Cullerton and Steve Israel with the DCCC.</b></p> <p>19 <b>And so I -- we chatted a little bit more</b> 20 <b>and then I left. But you know, I did not have a</b> 21 <b>conversations with any other legislator that I would</b> 22 <b>consider that close to the time at which the map came</b></p>

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Schock, Aaron

October 6, 2011

9 (Pages 30 to 33)

<p style="text-align: right;">Page 30</p> <p>1 out before it did.</p> <p>2 And then the only other legislator I spoke</p> <p>3 with was after the map came out, or actually I think</p> <p>4 the day that it was coming out, the Senate President,</p> <p>5 John Cullerton, called me and basically just gave me</p> <p>6 a heads up that he said, you know, something to the</p> <p>7 effect of, look, Aaron, you know, we've decided that</p> <p>8 we are not going to beat you.</p> <p>9 So we are not going to waste our Democrat</p> <p>10 voters on you, and congratulations, we are giving you</p> <p>11 the most Republican district in the state. And I</p> <p>12 said, well, I suppose I should say thank you and he</p> <p>13 said, well, I was hoping you'd say something kind</p> <p>14 about it, the map.</p> <p>15 And I said, well, having not seen the map,</p> <p>16 I'm assuming that if you -- if you've made my</p> <p>17 district really good, you've probably, you know,</p> <p>18 really done a doozy on my colleagues. And you know,</p> <p>19 I'll want to see what this map looks like. But you</p> <p>20 know -- so those are the two conversations I've had,</p> <p>21 I think of any significance with anyone other than</p> <p>22 casual conversations with individual legislators.</p>	<p style="text-align: right;">Page 32</p> <p>1 any inside information, but only hearing what the</p> <p>2 reporters were writing about what people were</p> <p>3 speculating would happen in the map, the</p> <p>4 redistricting process, the speculation was that</p> <p>5 Peoria was going to be divided for the first time in</p> <p>6 30 years.</p> <p>7 And being from Peoria, that's where I've</p> <p>8 grown up, that's where I live, I think I may have</p> <p>9 said something like, you know, well, what happened to</p> <p>10 Peoria. And -- but he -- and he basically said</p> <p>11 something about, well, you live -- don't worry, you</p> <p>12 live in the district. And I said, I know, but what</p> <p>13 happens to the -- you know, my old State Rep.</p> <p>14 district was the whole downtown of Peoria. And so I</p> <p>15 said something about what happened to my old State</p> <p>16 Rep. district or something like that. But that's the</p> <p>17 only other thing I can recall other than what I've</p> <p>18 already said with that conversation.</p> <p>19 Q. Okay. And was there anything -- did you</p> <p>20 write down any notes with respect to that</p> <p>21 conversation?</p> <p>22 A. No. I was in a car on my cell phone.</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Have you told me everything that you said</p> <p>2 to Mr. Mapes and that Mr. Mapes said to you in that</p> <p>3 conversation regarding the map?</p> <p>4 A. That I -- yes. That I recall.</p> <p>5 Q. I'm sorry. And would there be anything</p> <p>6 that would refresh your recollection of that</p> <p>7 conversation?</p> <p>8 A. No. That's everything that I recall.</p> <p>9 Q. And with respect to President Cullerton</p> <p>10 and the conversation you testified to, have you now</p> <p>11 told us everything that you remember about that</p> <p>12 conversation that he said to you and that you said to</p> <p>13 him?</p> <p>14 MR. PANOFF: Object to the form.</p> <p>15 THE WITNESS: That's all that I recall.</p> <p>16 Yes.</p> <p>17 BY MR. BRUCE:</p> <p>18 Q. Is there anything that would refresh your</p> <p>19 recollection about that conversation?</p> <p>20 A. The only thing I guess I would add is I</p> <p>21 was -- I do believe I asked specifically about Peoria</p> <p>22 because a lot of my -- you know, again, not having</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. And did you call him or did he call you?</p> <p>2 A. He called me. He called me on an</p> <p>3 unidentified number and I tend not to answer those so</p> <p>4 I waited until he left a message and I got the</p> <p>5 voicemail and I called him back.</p> <p>6 Q. And you called him back where?</p> <p>7 A. I believe it was his cell phone number.</p> <p>8 Q. And you did that the day the map was</p> <p>9 coming out?</p> <p>10 MR. PANOFF: Objection. Mischaracterizes</p> <p>11 testimony.</p> <p>12 BY MR. BRUCE:</p> <p>13 Q. I'm sorry. When did -- go ahead.</p> <p>14 A. I do not know the exact date, but he was</p> <p>15 calling me with information obviously that I did not</p> <p>16 have and it was right before it came out. So if it</p> <p>17 wasn't the day that it came out, it might have been</p> <p>18 the night before the day that it came out, but I</p> <p>19 would say it was definitely within a 48-hour period</p> <p>20 of that map coming out.</p> <p>21 Q. Have you now told me all of the</p> <p>22 conversations that you can recall as you sit here</p>

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1

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

COMMITTEE FOR A FAIR AND )  
BALANCED MAP; JUDY BIGGERT; )  
ROBERT J. DOLD; RANDY HULTGREN; )  
ADAM KINZINGER; DONALD MANZULLO; )  
PETER J. ROSKAM; BOBBY SCHILLING; )  
AARON SCHOCK; JOHN M. SHIMKUS; )  
JOE WALSH; RALPH RANGEL; LOU )  
SANDOVAL; LUIS SANABRIA; MICHELLE )  
CABALLERO; EDMUND BREZINSKI; and )  
LAURA WAXWEILER, )

Plaintiffs, )

vs. ) No. 11-C-5065

ILLINOIS STATE BOARD OF ELECTIONS; )  
WILLIAM M. MCGUFFAGE; JESSE R. )  
SMART; BRYAN A. SCHNEIDER; BETTY )  
J. COFFRIN; HAROLD D. BYERS; )  
JUDITH C. RICE; CHARLES W. )  
SCHOLTZ; and ERNEST L. GOWEN, )

Defendants. )

The deposition of CONGRESSMAN RANDY HULTGREN,  
called by the Defendant for examination pursuant to  
notice and pursuant to the Rules of Civil Procedure  
for the United States District Courts pertaining to  
the taking of depositions, taken before Tracy L.  
Overocker, a notary public within and for the County  
of Will and State of Illinois, at 70 West Madison  
Street, Chicago, Illinois on the 7th day of October  
2011.

2

1 APPEARANCES:

2 MAYER BROWN, LLP, by  
3 MS. LORI E. LIGHTFOOT  
4 71 South Wacker Drive  
Chicago, Illinois 60606  
(312) 701-8680  
5 Appearing on behalf of the plaintiffs;  
6  
7 POWER, ROGERS & SMITH, PC, by  
8 MR. DEVON C. BRUCE,  
Special Assistant Illinois Attorney General  
70 West Madison Street, 55th Floor  
Chicago, Illinois 60602  
(312) 236-9381  
9 Appearing on behalf of the defendants.

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2 WITNESS: PAGE  
3 CONGRESSMAN RANDY HULTGREN  
4 Examination by:  
5 Mr. Bruce. . . . .4  
6  
7  
8  
9

10 EXHIBITS

11 NAME FOR IDENTIFICATION  
12 Nos. 1 through 4  
13  
14  
15  
16  
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1 (Whereupon, Deposition  
2 Exhibit Nos. 1 through 4 were  
3 marked for identification by  
4 Mr. Bruce.)  
5 (Witness sworn.)  
6 MR. BRUCE: Let the record reflect that this is  
7 the deposition of Congressman Randy Hultgren taken  
8 pursuant to the Federal Rules of Civil Procedure and  
9 continued by the parties.  
10 CONGRESSMAN RANDY HULTGREN,  
11 called as a witness herein, having been first duly  
12 sworn, was examined and testified as follows:  
13 EXAMINATION  
14 BY  
15 MR. BRUCE:  
16 Q Sir, could you please state your first and  
17 last name, spell your last name for the record,  
18 please.  
19 A Randy H. Hultgren, H-u-l-t-g-r-e-n.  
20 Q Congressman, have you ever given a  
21 deposition before?  
22 A I haven't.  
23 Q My name is Devon Bruce and I've been  
24 appointed as a Special Assistant Illinois Attorney

17

1 THE WITNESS: Yes, that's correct.

2 MS. LIGHTFOOT: Relevance.

3 BY MR. BRUCE:

4 Q Sir, during the redistricting -- strike  
5 that.

6 Had you, in your experience in  
7 Springfield, ever gone through a redistricting  
8 process in the past?

9 A Can you be more clear?

10 Q Sure. Absolutely.

11 You had some history in the Illinois  
12 Legislature that we spoke about. Do you remember  
13 that?

14 A Yes.

15 Q Okay. During the time period that you were  
16 in the Illinois Legislature, did you go through a  
17 redistricting process to which you were involved?

18 A Can you explain "involved."

19 Q Well, that's my question of you. How, if  
20 at all, you were involved in the redistricting  
21 process that occurred in 2000.

22 A To answer your question, yes.

23 Q And so how were you involved?

24 A They redrew my district in 2002 when I was

18

1 in the House of Representatives.

2 Q And did you have any role or play any role  
3 in that at all?

4 A No.

5 Q Let me ask you about this most recent  
6 redistricting process.

7 During the time period process of --  
8 redrawing the Congressional District map occurred in  
9 Springfield, did you have any conversations with any  
10 State Legislators about the redistricting process?

11 MS. LIGHTFOOT: Objection. Form. Vague. You  
12 really do need a time frame, Devon.

13 MR. BRUCE: I don't think I do, Lori.

14 MS. LIGHTFOOT: Well, I made my objection.

15 MR. BRUCE: Sure.

16 BY MR. BRUCE:

17 Q You can answer the question, Congressman.

18 A Yes.

19 Q Who did you speak to?

20 A When?

21 Q At any time.

22 MS. LIGHTFOOT: I object to the form.

23 BY MR. BRUCE:

24 Q You can answer.

19

1 A I suppose many people over the last year.

2 Q Okay. Can you tell me the names of any of  
3 the State Legislators that you recall the  
4 conversation that you had with concerning the  
5 redistricting process?

6 A In any discussion or specifics of how this  
7 map was going to be drawn?

8 Q Any discussion.

9 MS. LIGHTFOOT: Objection. Relevance. Vague.

10 THE WITNESS: I think it would be many of my  
11 colleagues in Springfield.

12 BY MR. BRUCE:

13 Q Okay. Congressman, I'm -- I have a right  
14 to know what you're going to testify to at trial --

15 A Yes.

16 Q -- and what I'm just simply trying to do in  
17 the most plain and simple fashion is trying to  
18 understand if you can recall, as you sit here today,  
19 any specific conversation that you had with any State  
20 Legislature about this redistricting process by which  
21 you filed a complaint at law. That's where I'm  
22 going, that's what I'm trying to find out. So  
23 however you want to tell me that, that's fine, and if  
24 you don't recall the specifics of any conversation

20

1 that you had with any State Legislature about the  
2 redistricting process, you can tell me that, too.

3 So the question is, Congressman, as  
4 you sit here today, do you have a recollection of any  
5 specific conversation that you had with any Illinois  
6 State Legislator about the redistricting process?

7 MS. LIGHTFOOT: I object to the form.

8 THE WITNESS: Yes.

9 BY MR. BRUCE:

10 Q So why don't we just go chronologically.

11 When is the first conversation you  
12 remember having?

13 A I don't remember when it would have been,  
14 but I had conversations with Representative Mike  
15 Fortner, who is my State Representative. I've had  
16 conversations with Senator Tom Johnson, who is my  
17 senator. I had conversation with Tom Cross, the  
18 Republican Leader in the House, and had conversation,  
19 very generally, with Christine Radogno. I had  
20 conversation with Mike Madigan and I had conversation  
21 with Senator John Cullerton. Those are the ones that  
22 I would remember.

23 Q Okay. Other than the six Legislators that  
24 you just identified, do you have a recollection of

25

1 Q Okay. And how long did that meeting with  
 2 Representative Cross take place?  
 3 A I don't recall.  
 4 Q During your meeting with Representative  
 5 Cross, did the topic of redistricting come up?  
 6 A Yes.  
 7 Q And can you just tell me everything that  
 8 you can recall that he said to you and that you said  
 9 to him in that conversation about the redistricting?  
 10 A I don't recall many details. It was very  
 11 early in the process, but there was frustration  
 12 already of a feeling on his part that -- the lack of  
 13 input that he was having and -- being able to have in  
 14 that process, but it was very early on in the  
 15 process.  
 16 Q You know the next question I'm going to ask  
 17 you, Congressman. Is that the extent of your  
 18 recollection --  
 19 A That's the extent of my recollection, yes.  
 20 Q Okay. And were there any documents? Did  
 21 you take any notes or was there any letter or e-mail  
 22 that will help refresh your recollection?  
 23 A No, nothing that I know of or could recall.  
 24 Q And if I remember correctly, you only had

26

1 one conversation with Representative Cross about the  
 2 redistricting process?  
 3 A As I sit here today, that's all I recall,  
 4 yes.  
 5 Q Certainly. Senator Radogno, did you have  
 6 one conversation with her or more than one?  
 7 A I had one conversation with her.  
 8 Q And when was -- and I meant to ask -- it  
 9 was a poorly phrased question, I think you understood  
 10 I was asking about a conversation with her concerning  
 11 the redistricting process.  
 12 Did you understand that?  
 13 A That is what I intended by my answer.  
 14 Q Okay. When did you have that one  
 15 conversation with Senator Radogno about the  
 16 redistricting process?  
 17 A It was the same day that I met with Leader  
 18 Cross, so it would have been -- I don't recall the  
 19 exact date, but it would have been sometime, I think,  
 20 in March.  
 21 Q And what did she say to you and you say to  
 22 her?  
 23 A I don't recall the exact details, but there  
 24 would have been some discussion of a frustration and

27

1 uncertainty over how the redistricting process was  
 2 going to go.  
 3 Q Do you -- as you sit here today, do you  
 4 remember the exact words that she used?  
 5 A I don't. I don't recall now.  
 6 Q Have you told me the extent of your  
 7 recollection of that conversation?  
 8 A Yes, I have.  
 9 Q Speaker Madigan, you spoke to Speaker  
 10 Madigan concerning the redistricting process?  
 11 A It came up in our discussion as very  
 12 similar to the other meetings I had.  
 13 Q Okay. Did you have one conversation with  
 14 Speaker Madigan or more than one concerning the  
 15 redistricting process?  
 16 A I had one conversation with  
 17 Speaker Madigan.  
 18 Q Was that in person or over the phone?  
 19 A It was in person.  
 20 Q And was that when you were in Springfield  
 21 in March of 2011?  
 22 A Yes, it was the same day.  
 23 Q You were making the rounds?  
 24 A I was greeting people that I had worked

28

1 with previously.  
 2 Q Certainly.  
 3 And who was present in your meeting  
 4 with Speaker Madigan?  
 5 A I don't recall.  
 6 Q And where did the meeting take place?  
 7 A To the best of my recollection today, it  
 8 was in his office, I think.  
 9 Q And you don't remember whether any of his  
 10 staff members were there or any other individuals  
 11 were there; is that true?  
 12 A That's true.  
 13 Q All right. And how long did that meeting  
 14 take place?  
 15 A I don't recall exactly, a few minutes, I  
 16 think.  
 17 Q And what was the purpose of you seeing  
 18 Speaker Madigan?  
 19 A To say "hello." It was the first time I  
 20 had seen him or talked with him since I had been  
 21 elected to Congress.  
 22 Q And with respect to the issue of  
 23 redistricting, did that topic come up?  
 24 A The topic of redistricting did come up

29

1 briefly.

2 Q And what did you say to him and what did he  
3 say to you about redistricting?

4 A I don't recall the details. It was very  
5 early in the process and he -- to the best of my  
6 recollection, said that, that very little work had  
7 been done on it at that point and was -- there was  
8 not clarity of how the process was going to go.

9 Q And was that the extent of your  
10 recollection about that conversation with  
11 Speaker Madigan?

12 A Yes, it is.

13 Q Is there anything of a written nature that  
14 would refresh your recollection about that  
15 conversation?

16 A Not that I know of.

17 Q And can you tell me, Congressman, which --  
18 can you tell me with any greater specificity in March  
19 when you went down to Springfield?

20 A I can't. I don't remember exactly when it  
21 was.

22 Q There's a national holiday on March 17th.  
23 Was it before or after that holiday?

24 A I honestly can't recall. There would be --

30

1 I don't recall.

2 Q All right. Lastly, you told me that you  
3 believed you had a conversation with President --  
4 Senate President John Cullerton about the  
5 redistricting process?

6 A Yes, I did.

7 Q And did that occur in the same time period  
8 when were you down in Springfield?

9 A It did, yes.

10 Q And did you only have one conversation with  
11 President Cullerton about the redistricting process?

12 A No, I had a couple of conversations with  
13 Senator Cullerton -- President Cullerton.

14 Q Okay. Let's just go chronologically.  
15 Was the first conversation you had

16 with him in March when you were down in Springfield?

17 A Yes, it was.

18 Q And what was the -- strike that.

19 Was that an in-person meeting?

20 A That was an in-person meeting.

21 Q And do you remember who was present at that  
22 meeting with President Cullerton?

23 A I don't recall.

24 Q And how long was the meeting?

31

1 A I don't recall.

2 Q And did the topic of redistricting come up?

3 A Yes.

4 Q And what did he say to you and you say to  
5 him about redistricting?

6 A It was -- to the best of my recollection  
7 today, it was very general, where there was  
8 uncertainty of how the process would be going.

9 Q Do you remember the details of what he said  
10 to you?

11 A I do not, no.

12 Q Is there anything else you remember about  
13 that conversation other than what you've told me here  
14 today?

15 A That is all I remember.

16 Q You said you had a subsequent conversation  
17 with President Cullerton about redistricting?

18 A Yes, I did.

19 Q And when was that?

20 A That would have been in late May.

21 Q And was that in person or over the phone?

22 A That was over the phone.

23 Q And where were you?

24 A I was in Washington, D.C.

32

1 Q In your office?

2 A No, in the Capitol.

3 Q And did -- were you on your cell phone?

4 A I was on a -- to the best of my  
5 recollection, it was a line -- phone line in the  
6 Capitol.

7 Q And did he call you or did you call him?

8 A To the best of my recollection, he called  
9 me or he called us.

10 Q "Us" meaning who?

11 A Congressman Roskam and myself were in that  
12 meeting.

13 Q And was he on a speakerphone?

14 A Yes, he was -- in -- we were listening to  
15 him and -- on a speakerphone.

16 Q And what did he say to you and what did you  
17 two say to him in that conversation?

18 A I don't recall everything that he said; but  
19 to the best of my recollection, as I sit here today,  
20 that there were -- they were working on the maps,  
21 that there was a map that the DCCC was pushing him to  
22 pass that would put Congressman Roskam and myself in  
23 the same district. There was another map that  
24 wouldn't, but would put me in the district with Joe

33

1 Walsh and he said if we would work to get some  
 2 Republican votes on that map, he would work to pass  
 3 the map that doesn't have us together.  
 4 Q Referring to who?  
 5 A Congressman Roskam and myself.  
 6 Q Is that the extent of what you can remember  
 7 he said to you about the redistricting in that  
 8 conversation?  
 9 A Yes.  
 10 Q And what did you say to him?  
 11 A We said -- we refused the offer.  
 12 Q Well, what did you say and what did  
 13 Congressman Roskam say?  
 14 A I don't recall exactly what was said, but  
 15 it was basically, We can't -- we won't do that, we  
 16 can't do that.  
 17 Q Is that the extent of what you recall about  
 18 that conversation you had with President Cullerton in  
 19 late May?  
 20 A Yes.  
 21 Q And would there be any document or tangible  
 22 item that would refresh your recollection about that  
 23 conversation?  
 24 A No document that I know of, no.

34

1 Q Is that the last time you spoke to  
 2 President Cullerton about the redistricting?  
 3 A Yes.  
 4 Q I think as we -- strike that.  
 5 As you sit here today, have you now  
 6 told me all of your recollections about all of your  
 7 conversations with State Legislators that you can  
 8 remember about the redistricting?  
 9 A Yes.  
 10 Q Did you ever at any time speak to your  
 11 United States Congressional Democratic colleagues  
 12 about the districting process?  
 13 MS. LIGHTFOOT: I object to the form.  
 14 THE WITNESS: I don't recall, no.  
 15 BY MR. BRUCE:  
 16 Q Did you understand what I mean?  
 17 A Yes.  
 18 Q Okay. Did you ever speak to any member of  
 19 the DCCC staff about the Congressional map?  
 20 A No.  
 21 Q Did you ever speak to any Legislators, to  
 22 your knowledge, that were on either the Senate or  
 23 House Redistricting Committees?  
 24 MS. LIGHTFOOT: Other than what he's testified

35

1 to?  
 2 MR. BRUCE: Yes.  
 3 THE WITNESS: No.  
 4 BY MR. BRUCE:  
 5 Q Do you know if any of the Legislators that  
 6 you told me that you spoke to were on the  
 7 Redistricting Committees?  
 8 A Yes.  
 9 Q What do you know about that?  
 10 A Well, I know that Representative Fortner is  
 11 on the House Committee and I know that Speaker  
 12 Madigan and President Cullerton, although -- I don't  
 13 know if they're de facto members of every committee.  
 14 I think maybe they are, but I don't know that for  
 15 sure.  
 16 Q Fair enough.  
 17 Sir, as you sit here today, do you  
 18 have firsthand knowledge as to who the individuals  
 19 were that actually drew the map that was passed into  
 20 law in Springfield?  
 21 A No, I don't.  
 22 Q Based on that answer, is it fair to say,  
 23 Congressman, you don't know what factors were intent  
 24 those drafters of the map had when they drew the

36

1 Congressional District lines?  
 2 MS. LIGHTFOOT: I object to the form.  
 3 Foundation. And to the extent that that calls for a  
 4 legal conclusion.  
 5 BY MR. BRUCE:  
 6 Q You can answer.  
 7 A I don't.  
 8 Q Am I correct, Congressman, that no one has  
 9 ever told you that the Congressional map that was  
 10 passed into law in Springfield was done to  
 11 intentionally discriminate against Latinos?  
 12 MS. LIGHTFOOT: Congressman, you can answer  
 13 that question yes or no. It clearly impinges upon --  
 14 potentially impinges on attorney-client privilege,  
 15 but you can answer the question.  
 16 THE WITNESS: The only information I would have  
 17 on that would be with conversations I had with my  
 18 attorneys.  
 19 BY MR. BRUCE:  
 20 Q Okay. So other than any conversations that  
 21 you've had with your lawyers, am I correct you do not  
 22 have any information that the map was drawn and  
 23 passed in Springfield with the intent to  
 24 intentionally discriminate against Latinos?

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION</p> <p>COMMITTEE FOR A FAIR AND ) BALANCED MAP, JUDY BIGGERT, ) ROBERT J. DOLD, RANDY HULTGREN, ) ADAM KINZINGER, DONALD ) MANZULLO, PETER ROSKAM BOBBY ) SCHILLING, AARON SCHOCK, JOHN ) M. SHIMKUS, JOE WALSH, RALPH ) RANGEL, LOU SANDOVAL, LUIS ) SANABRIA, MICHELLE CABALLERO, ) EDMUND BREZINSKI, and LAURA ) WAXWEILER, )</p> <p style="text-align: right;">Plaintiffs, )</p> <p style="text-align: center;">vs. )</p> <p style="text-align: right;">No. ) 1:11-CV-050065</p> <p>ILLINOIS STATE BOARD OF ) ELECTIONS, WILLIAM M. ) MCGUFFAGE, JESSE F. SMART, ) BRYAN A. SCHNEIDER, BETTY J. ) COFFRIN, HAROLD D. BYERS, ) JUDITH C. RICE, CHARLES W. ) SCHOLZ, and ERNEST L. GOWEN, )</p> <p style="text-align: right;">Defendants. )</p> <p>The deposition of CONGRESSMAN DONALD MANZULLO, called by the defendant for examination pursuant to notice and pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Amy M. Spee, a notary public within and for the County of Cook and State of Illinois, at 70 West Madison Street, 55th Floor, Chicago, Illinois, on the 7th day of October 2011.</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">INDEX</p> <p>1 2 Witness: Page 3 CONGRESSMAN DONALD MANZULLO 4 Examination by: 5 Mr. Bruce 4 6 7 8 9 EXHIBITS 10 Number Page 11 Group 1 4 12 13 14 15 16 17 18 19 20 21 22 23 24</p>
<p style="text-align: center;">2</p> <p>1 APPEARANCES: 2 MAYER BROWN, LLP, by 3 MS. LORI E. LIGHTFOOT 4 71 South Wacker Drive 5 Chicago, Illinois 60606-4673 6 (312) 701-8680 7 lightfoot@mayerbrown.com 8 for the plaintiffs; 9 POWER, ROGERS &amp; SMITH, P.C., by 10 MR. DEVON C. BRUCE 11 70 West Madison Street 12 55th Floor 13 Chicago, Illinois 60602 14 (312) 236-9381 15 dbruce@prslaw.com 16 for the defendants. 17 18 19 20 21 22 23 24</p>	<p style="text-align: center;">4</p> <p>1 (Whereupon, Manzullo Deposition 2 Group Exhibit No. 1 was marked 3 for identification, as of this 4 date.) 5 (Witness sworn.) 6 MR. BRUCE: Let the record reflect that this is 7 the deposition of Congressman Donald Manzullo taken 8 pursuant to the Federal Rules of Civil Procedure and 9 continued by the parties. 10 CONGRESSMAN DONALD MANZULLO, 11 called as a witness herein, having been first duly 12 sworn, was examined and testified as follows: 13 EXAMINATION 14 BY 15 MR. BRUCE: 16 Q Congressman, could you please state your 17 first and last name and spell your last name for the 18 record. 19 A It's Donald; last name is spelled 20 M-a-n-z-u-l-l-o. 21 Q Congressman Manzullo, I know you've got a 22 legal background. 23 Had you taken a number of depositions 24 over the years when you were in private practice?</p>



9

1 is running in the 16th Congressional District that  
 2 was passed in Springfield in the event that there is  
 3 no change in the map that was passed into law?  
 4 MS. LIGHTFOOT: Objection. Form. Relevance.  
 5 THE WITNESS: I don't know what he's going to  
 6 say.  
 7 BY MR. BRUCE:  
 8 Q Okay. Have you spoken to him about it?  
 9 A No.  
 10 MS. LIGHTFOOT: Objection. Relevance.  
 11 BY MR. BRUCE:  
 12 Q In your legal practice, did you have any  
 13 dealings in the redistricting process when you were a  
 14 practicing attorney?  
 15 A No.  
 16 Q And forgive me, Congressman, I forget your  
 17 elected official background.  
 18 Were you in the state legislature at  
 19 some point in time?  
 20 A The first office I ever held is that of a  
 21 U.S. congressman.  
 22 Q And what documents did you review to  
 23 prepare for your deposition?  
 24 A What documents?

10

1 Q Yes, sir.  
 2 MS. LIGHTFOOT: Objection. Foundation.  
 3 Relevance.  
 4 THE WITNESS: Well, the complaint.  
 5 BY MR. BRUCE:  
 6 Q Okay.  
 7 A The motion for preliminary injunction and  
 8 the maps, of course.  
 9 Q Anything else?  
 10 A I don't -- no, no other documents. I don't  
 11 know of any other documents.  
 12 Q Congressman, with respect to the map  
 13 redistricting process that ensued in Springfield,  
 14 during that process, did you speak to any Illinois  
 15 state legislators about the redistricting process?  
 16 MS. LIGHTFOOT: Objection. Form. Time frame.  
 17 THE WITNESS: No.  
 18 BY MR. BRUCE:  
 19 Q You never spoke to any state legislators  
 20 about the map process; is that correct?  
 21 A That's correct.  
 22 Q Did you ever at any time speak to  
 23 Illinois -- any Illinois state legislative staff  
 24 members about the redistricting process?

11

1 A No.  
 2 Q Did you ever speak to any Democratic United  
 3 States congressman about the redistricting here in  
 4 Illinois?  
 5 MS. LIGHTFOOT: Objection. Form.  
 6 THE WITNESS: Well, we were all talking on the  
 7 floor.  
 8 BY MR. BRUCE:  
 9 Q Okay. What I'm asking you for is any  
 10 specific recollection of a specific conversation that  
 11 you had with any Democratic United States congressman  
 12 or congresswoman.  
 13 A I mean, everybody's upset with this map and  
 14 we all talk to each other about how bad it is.  
 15 Q Did you talk to any Democratic United  
 16 States congressmen or congresswomen that said how bad  
 17 it was?  
 18 A I probably did, but I can't give you time  
 19 and place.  
 20 Q Could you tell me the name of any of the  
 21 Democratic U.S. congressmen or congresswomen that you  
 22 spoke to that said it was a bad map?  
 23 A Yeah, I probably spoke to all of them. I  
 24 mean, we -- this is a close Illinois delegation.

12

1 We're always talking about maps.  
 2 Q Okay. I'm asking you more kind of a  
 3 specific question.  
 4 I'm simply trying to ascertain, can  
 5 you tell me the names of any Democratic United States  
 6 congressmen or congresswomen who have told you that  
 7 the map was bad or made any comment about the map?  
 8 MS. LIGHTFOOT: Objection. Form.  
 9 BY MR. BRUCE:  
 10 Q Any Democrats.  
 11 MS. LIGHTFOOT: Objection. Form.  
 12 THE WITNESS: You mean, have talked to me  
 13 personally about it?  
 14 BY MR. BRUCE:  
 15 Q Yes, sir.  
 16 A I -- I mean, I can't remember specifically.  
 17 It's just --  
 18 Q That's fine.  
 19 MS. LIGHTFOOT: I think what he's asking you is  
 20 not at this point do you remember any specific  
 21 conversations. I think what he's just simply asking  
 22 you is, do you remember actually having such a  
 23 conversation with any Democrat in Congress about the  
 24 Illinois redistricting process.

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

COMMITTEE FOR A FAIR AND )  
BALANCED MAP, JUDY )  
BIGGERT, ROBERT J. DOLD, )  
RANDY HULTGREN, ADAM )  
KINZINGER, DONALD )  
MANZULLO, PETER J. ROSKAM, )  
BOBBY SCHILLING, AARON )  
SCHOCK, JOHN M. SHIMKUS, )  
JOE WALSH, RALPH RANGEL, )  
LOU SANDOVAL, LUIS SANABRIA, )  
MICHELLE CABALLERO, )  
EDMUND BREZINSKI, and )  
LAURA WAXWEILER, )

) No. 1:11-cv-5065  
)  
Plaintiffs, )

vs. )

ILLINOIS STATE BOARD OF )  
ELECTIONS, WILLIAM A. )  
MCGUFFAGE, JESSE R. )  
SMART, BRYAN A. SCHNEIDER, )  
BETTY J. COFFRIN, )  
HAROLD D. BYERS, )  
JUDITH C. RICE, )  
CHARLES W. SCHOLZ, and )  
ERNEST L. GOWEN, )

)  
Defendants. )

The deposition of REPRESENTATIVE JUDITH  
BIGGERT, called by the Defendants, for examination,  
taken pursuant to notice, taken before CARYL L.  
HARDY, a Notary Public within and for the County of  
Cook, State of Illinois, and a Certified Shorthand  
Reporter of said state, taken at 70 West

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2 EXAMINATION OF REPRESENTATIVE JUDITH BIGGERT PAGE  
3 By Mr. Bruce..... 4

6 NO EXHIBITS WERE MARKED

Page 2

Page 4

1 Madison Street, 55th Floor, Chicago, Illinois, at  
2 the hour of 2:00 o'clock p.m., on the 10th day of  
3 October, A.D., 2011.

4  
5 A P P E A R A N C E S:

6  
7 MAYER BROWN, LLP,  
8 71 South Wacker Drive  
Chicago, Illinois 60606  
(312) 782-0600

9 BY: MS. LORI E. LIGHTFOOT,  
10 Appeared on behalf of the Plaintiffs;

11  
12 POWER, ROGERS, & SMITH, P.C.,  
70 West Madison Street  
55th Floor  
13 Chicago, Illinois 60602  
(312) 236-9381

14 BY: MR. DEVON C. BRUCE,  
15 Appeared on behalf of the Defendants.

1 (The witness was duly sworn.)

2 MR. BRUCE: Let the record reflect that  
3 this is the deposition of Representative Judith  
4 Biggert taken pursuant to the Federal Rules of  
5 Civil Procedure, local rules, and continued by the  
6 parties.

7 REPRESENTATIVE JUDITH BIGGERT,  
8 called as a witness herein, having been first duly  
9 sworn, was examined upon oral interrogatories, and  
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MR. BRUCE:

13 Q. Representative, could you please state  
14 your first and last name and spell your last name  
15 for the record, please?

16 A. I go by Judy, J-u-d-y.

17 Q. Okay.

18 A. Biggert, B, as in boy, i-g-g-e-r-t.

19 Q. Ma'am, have you ever given a deposition  
20 before?

21 A. No.

22 Q. I'm just going to be asking you a series  
23 of questions about the lawsuit that you filed. If  
24 at any time you don't understand a question that I

Page 5

Page 7

1 ask, just tell me, and I'll be happy to rephrase  
2 it.

3 It's important that you answer out loud  
4 and audibly for the court reporter because she's  
5 taking down verbatim everything that we say here in  
6 the room.

7 And I don't have any doubts that you're  
8 going to anticipate the vast majority of my  
9 questions before I finish asking them, but it's  
10 important that you let me finish asking my question  
11 before you begin your answer. Otherwise, we'll be  
12 talking over one another.

13 And, Representative, we can take a break  
14 at any time, as long as there's not a question  
15 pending, if you need to use the restroom or make a  
16 phone call or anything of that nature. I don't  
17 expect that you'll be here that long.

18 Let me ask some general background  
19 information.

20 Prior to 2011, in either your role as an  
21 attorney or as a state legislator, did you  
22 personally have any involvement in any  
23 redistricting of any map prior to 2011?

24 A. No.

Page 6

Page 8

1 Q. During the redistricting process that  
2 occurred in Illinois in 2011, did you speak to any  
3 Illinois state legislators about the redistricting  
4 process?

5 A. Before 2011?

6 Q. No, no. I'm talking about 2011 now, the  
7 most recent redistricting process that occurred in  
8 Springfield. I'm just trying to understand, did  
9 you speak to any Illinois state legislators about  
10 the redistricting process?

11 A. No.

12 Q. A similar question: Did you have an  
13 opportunity to speak to any Illinois state  
14 legislative staff members about the redistricting  
15 process that occurred here in 2011?

16 A. No.

17 Q. At any time did you speak to any members  
18 of the United States Congress that were a member of  
19 the Democratic party about the Illinois  
20 redistricting process?

21 A. Do you want to define what the Illinois  
22 process is?

23 Q. The redistricting process. I'm sorry.

24 MS. LIGHTFOOT: Object to the form.

1 THE WITNESS: Would you restate the  
2 question?

3 MR. BRUCE: Sure.

4 BY MR. BRUCE:

5 Q. I'm just -- Representative, I'm just  
6 trying to find out, did you speak to any of your  
7 Democratic colleagues in the United States Congress  
8 either before or after the map that was passed here  
9 in Illinois came into law about the redistricting  
10 process?

11 A. Yes.

12 Q. And who did you speak to?

13 A. Jerry Costello.

14 Q. You spoke to Representative Costello.  
15 Anyone else?

16 A. Jesse Jackson, Junior.

17 Q. Anyone else?

18 A. Mike Quigley.

19 Q. Anyone else?

20 A. I believe that's all.

21 Q. And with respect to -- I'm just going to  
22 go briefly through these conversations that you  
23 had.

24 With respect to Representative Costello,

1 was that one conversation with him or more than  
2 one?

3 A. I think it was one. Two. It was two.

4 Q. Two?

5 A. Uh-huh, yes.

6 Q. And were those in person or over the  
7 telephone?

8 A. They were in person. It was...

9 Q. And do you remember when the first  
10 conversation with Representative Costello occurred?

11 A. The first one was in Statuary Hall. It  
12 was just after the map had come out, the Democrat  
13 map.

14 Q. And are you referring to the map that was  
15 passed by both chambers of the legislature in  
16 Springfield and signed into law?

17 A. Yes.

18 Q. Okay. And so you spoke to Representative  
19 Costello in Statuary Hall in the Capitol?

20 A. Yes.

21 Q. And what did he say to you and what did  
22 you say to him in that conversation?

23 A. Well, I was talking to somebody else and  
24 he came up and started talking -- it was more of a

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1 like you don't -- you don't know who drew the map  
 2 ultimately?  
 3 A. No, I don't.  
 4 Q. And I take it then you didn't speak to  
 5 them, to your knowledge, about drawing the map?  
 6 A. No, I did not.  
 7 Q. Okay. And all I'm asking is you don't  
 8 know what factors they relied upon to draw the map  
 9 that became law; is that true?  
 10 MS. LIGHTFOOT: Object to the form.  
 11 BY THE WITNESS:  
 12 A. Who is "they?"  
 13 BY MR. BRUCE:  
 14 Q. Well, do you know who drew the map?  
 15 A. No.  
 16 Q. Okay. Ma'am, has anyone ever told you  
 17 that the map was drawn to intentionally  
 18 discriminate against Latinos?  
 19 MS. LIGHTFOOT: Congresswoman, I'm going  
 20 to give you the admonishment that he's not asking  
 21 you for privileged communications that you may have  
 22 had with counsel, so if you can answer the question  
 23 outside of that, a privileged communication, feel  
 24 free to do so.

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1 BY THE WITNESS:  
 2 A. No.  
 3 BY MR. BRUCE:  
 4 Q. Ma'am, did you ever at any time attend any  
 5 Illinois redistricting hearings concerning the  
 6 drawing of the Congressional map?  
 7 A. No.  
 8 Q. Did you ever send anyone to any of those  
 9 hearings on your behalf?  
 10 A. No.  
 11 Q. Did you ever at any time submit a letter  
 12 or a draft map or any input as to how you believed  
 13 the map should have been drawn before the map was  
 14 passed into law?  
 15 A. No.  
 16 Q. Absent anything that your lawyers have  
 17 told you, do you have independent knowledge of the  
 18 demographic makeup of the map that was passed into  
 19 law in Springfield?  
 20 MS. LIGHTFOOT: Object to the form.  
 21 BY THE WITNESS:  
 22 A. No.  
 23 BY MR. BRUCE:  
 24 Q. There's a Committee for a Fair and

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1 Balanced Map?  
 2 A. Yes.  
 3 Q. And are you a member of that committee?  
 4 A. No.  
 5 Q. And do you know who is a member of that  
 6 committee?  
 7 A. I know several of the members.  
 8 Q. And who are they?  
 9 A. Lynn Martin.  
 10 Q. She's a former Republican United States  
 11 senator, correct?  
 12 A. No. She's a former Congressman and  
 13 secretary of labor.  
 14 Q. All right. Why did I think she ran for  
 15 Senate?  
 16 A. She did run.  
 17 Q. She ran for Senate unsuccessfully. I'm  
 18 sorry.  
 19 A. Right.  
 20 Q. Yeah. Okay.  
 21 We got sidetracked. Who else are the  
 22 members of the committee?  
 23 A. Denny Hastert.  
 24 Q. Former Speaker of the House, Republican?

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1 A. Yes.  
 2 Q. And who else?  
 3 A. Tom Ewing.  
 4 Q. Former Republican United States Congressman?  
 5 A. Yes.  
 6 Q. And who else?  
 7 A. Sandy Stuart, Alexander Stuart.  
 8 Q. And who is Alexander Stuart?  
 9 A. He's the ambassador's son.  
 10 Q. Ambassador to where?  
 11 A. He was an ambassador. He's gone. I don't  
 12 remember.  
 13 Q. And what's his party affiliation?  
 14 A. Republican.  
 15 Q. All right. And who else do you know  
 16 that's on the committee?  
 17 A. There's others that I don't know.  
 18 Q. Have you ever attended any meetings of the  
 19 committee?  
 20 MS. LIGHTFOOT: Object to the form, asked  
 21 and answered.  
 22 MR. BRUCE: I didn't ask that.  
 23 MS. LIGHTFOOT: I thought you did. Sorry.  
 24 I apologize if you did not. You can answer.

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1 BY MR. BRUCE:

2 Q. And do you know roughly approximately by  
3 what percentages?

4 A. Probably the 70s. The number of  
5 constituents that I would have in that district is  
6 minuscule, maybe 1.5 percent.

7 Q. And I think I understand from what you've  
8 already told me, you did not have any firsthand  
9 involvement in drawing the map that became the law  
10 in Springfield; is that true?

11 A. The Democrat map?

12 Q. The map that was passed into law.

13 A. Yes. No, absolutely not.

14 Q. Did you know that there were Republicans  
15 that were members of both the House and the Senate  
16 Illinois redistricting committees?

17 A. Yes, I did.

18 Q. And did you ever at any time make any  
19 effort to speak to them while the Illinois  
20 legislature was going through the redistricting  
21 process?

22 A. No.

23 Q. Absent anything that your lawyers have  
24 told you, do you know how the lines on the map that

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1 is being offered by the Republican Congressional  
2 delegation in this case were drawn?

3 A. No.

4 Q. If the lawsuit is successful and the Court  
5 were to adopt the map that's being offered by the  
6 Republican Congressional delegation, which of the  
7 Congressional districts on that map would you run  
8 in?

9 MS. LIGHTFOOT: Object to the form, calls  
10 for speculation, assumes facts not in evidence.

11 BY THE WITNESS:

12 A. I would -- I would be in the  
13 13th Congressional District which is back to the  
14 district that I am in somewhat.

15 MR. BRUCE: That's all the questions I  
16 have. Thank you, Representative.

17 MS. LIGHTFOOT: Reserve signature, please.  
18 (AND FURTHER DEPONENT SAITH NOT.)  
19  
20  
21  
22  
23  
24

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF ILLINOIS  
3 EASTERN DIVISION

4 COMMITTEE FOR A FAIR AND )  
BALANCED MAP, et al., )

5 Plaintiffs, )

6 vs. ) No. 1:11-cv-5065

7 ILLINOIS STATE BOARD OF )  
ELECTIONS, et al., )

8 Defendants. )  
9

10 I hereby certify that I have read the  
foregoing transcript of my deposition given on  
October 10, 2011, at the time and place aforesaid,  
11 consisting of Pages 1 through 58 inclusive and I do  
again subscribe and make oath that the same is a  
12 true, correct and complete transcript of my  
deposition so given as aforesaid.

13 Please check one:

14 ☐ I have submitted errata sheet(s)  
15 ☐ No corrections were noted

16  
17 REPRESENTATIVE JUDITH BIGGERT

18  
19 SUBSCRIBED AND SWORN TO  
20 before me this \_\_\_ day  
21 of \_\_\_, A.D., 2011.

22  
23 Notary Public  
24

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1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF COOK )  
4

5 I, CARYL L. HARDY, Certified Shorthand  
Reporter No. 084-3896, Notary Public in and for the  
6 County of Cook, State of Illinois, do hereby  
7 certify that previous to the commencement of the  
8 examination, said witness was duly sworn by me to  
9 testify the truth; that the said deposition was  
10 taken at the time and place aforesaid; that the  
11 testimony given by said witness was reduced to  
12 writing by means of shorthand and thereafter  
13 transcribed into typewritten form; and that the  
14 foregoing is a true, correct, and complete  
15 transcript of my shorthand notes so taken as  
16 aforesaid.

17 I further certify that there were present  
18 at the taking of the said deposition the persons  
19 and parties as indicated on the appearance page  
20 made a part of this deposition.

21 I further certify that I am not counsel  
22 for nor in any way related to any of the parties to  
23 this suit, nor am I in any way interested in the  
24 outcome thereof.



1

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

COMMITTEE FOR A FAIR AND )  
BALANCED MAP; JUDY BIGGERT; )  
ROBERT J. DOLD; RANDY HULTGREN; )  
ADAM KINZINGER; DONALD MANZULLO; )  
PETER J. ROSKAM; BOBBY SCHILLING; )  
AARON SCHOCK; JOHN M. SHIMKUS; )  
JOE WALSH; RALPH RANGEL; LOU )  
SANDOVAL; LUIS SANABRIA; MICHELLE )  
CABALLERO; EDMUND BREZINSKI; and )  
LAURA WAXWEILER, )

Plaintiffs, )

vs. ) No. 11-C-5065

ILLINOIS STATE BOARD OF ELECTIONS; )  
WILLIAM M. MCGUFFAGE; JESSE R. )  
SMART; BRYAN A. SCHNEIDER; BETTY )  
J. COFFRIN; HAROLD D. BYERS; )  
JUDITH C. RICE; CHARLES W. )  
SCHOLTZ; and ERNEST L. COWEN, )

Defendants. )

The deposition of CONGRESSMAN ROBERT J. DOLD,  
J.D., called by the Defendant for examination  
pursuant to notice and pursuant to the Rules of Civil  
Procedure for the United States District Courts  
pertaining to the taking of depositions, taken before  
Carla L. Camiliere, CSR, a notary public within and  
for the County of Cook and State of Illinois, at  
70 West Madison Street, Chicago, Illinois on the 30th  
day of September 2011.

2

1  
2 APPEARANCES:  
3 MAYER BROWN, LLP, by  
4 MS. DANA DOUGLAS  
5 71 South Wacker Drive  
6 Chicago, Illinois 60606  
7 (312) 782-0600  
8 Appearing on behalf of the plaintiffs;  
9  
10 POWER, ROGERS & SMITH, PC, by  
11 MR. DEVON C. BRUCE,  
12 Special Assistant Illinois Attorney General  
13 70 West Madison Street, Suite 5500  
14 Chicago, Illinois 60602  
15 (312) 236-9381  
16 Appearing on behalf of the defendants.  
17  
18  
19  
20  
21  
22  
23  
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4

1 MR. BRUCE: Let the record reflect this is the  
2 deposition of Congressman Robert Dold, taken pursuant  
3 to the federal rules of Civil Procedure, Notice of  
4 Deposition and continued by the parties.  
5 (Witness sworn.)  
6 ROBERT DOLD, J.D.  
7 called as a witness herein, having been first duly  
8 sworn, was examined and testified as follows:  
9 EXAMINATION  
10 BY  
11 MR. BRUCE:  
12 Q Sir, could you please state your first and  
13 last name, and spell your last name for the record,  
14 please.  
15 A Robert Dold; D, as in David, o-l-d, as in  
16 David.  
17 Q Congressman, my name is Devon Bruce. I  
18 have been appointed as a Special Assistant Illinois  
19 Attorney General to defend the Illinois Board of  
20 Elections in a lawsuit in which you are a named  
21 plaintiff.  
22 That's why I asked to take your  
23 deposition here today. You have been identified as a  
24 witness at trial and that's why I asked to take your



25

1 Q Is there any written documentation as to  
2 when you engaged counsel regarding any redistricting  
3 issue?

4 MS. DOUGLAS: Object to the form, foundation.

5 THE WITNESS: I have not seen the document, so  
6 I can't give you the specific date or year. I know  
7 that we had retained counsel early on in this  
8 process.

9 BY MR. BRUCE:

10 Q When you say "we," who are you referring  
11 to?

12 A My co-plaintiffs in the case.

13 Q Are you referring to the other members of  
14 the Republican Congressional Illinois Delegation?

15 A Correct.

16 Q And there is a reference to a committee,  
17 are you familiar with what I'm referring to, there is  
18 a committee?

19 MS. DOUGLAS: Question; form, vague and  
20 ambiguous.

21 BY MR. BRUCE:

22 Q In the caption of the complaint that's  
23 filed there is a reference to the committee. That's  
24 what I'm asking you about it.

26

1 A You're saying the Committee For a Fair and  
2 Balance Map. Is that the committee you're talking  
3 about? There is a lot of committees in Washington,  
4 that's why I'm get a better clarification.

5 Q That self-described committee is the  
6 committee I'm referring to.

7 A Yes, I am familiar with the Committee For a  
8 Fair and Balance Map.

9 Q And who thought up that name?

10 MS. DOUGLAS: Object to the form, foundation.

11 BY MR. BRUCE:

12 Q Do you know?

13 A No.

14 Q Are you a member of that committee or not?

15 A No.

16 MS. DOUGLAS: Objection; foundation. Answer to  
17 the extent you know.

18 THE WITNESS: I think Deny Hastert is a member  
19 of that committee, Lynne Martin is a member of that  
20 committee. Sandy Stewart is a member of that  
21 committee. Michael Keiser is a member of that  
22 committee. And there are several others, but I do  
23 not know anyone else off the top of my head.

24 BY MR. BRUCE:

27

1 Q Have you ever been to any committee  
2 meetings of The Fair and Balancing Act Committee?

3 A No.

4 Q Who is paying for your counsel in this  
5 case?

6 MS. DOUGLAS: Objection; that goes to the  
7 funding issue, I believe, that we had discussed with  
8 the court.

9 I mean, do you know who's paying for  
10 it?

11 THE WITNESS: Who's paying for the overall?

12 MS. DOUGLAS: I'm just going to object to that  
13 question and instruct the witness not to answer.

14 BY MR. BRUCE:

15 Q Yesterday, Congressman, I deposed two of  
16 your colleagues, Congressman Shimkus and Congressman  
17 Roskam and Congressman Shimkus -- and I don't believe  
18 I'm mischaracterizing his testimony -- said that in  
19 his opinion that the map that was passed in  
20 Springfield was drawn purely for political reasons to  
21 gain Democratic seats to send to Washington.

22 Do you agree with that opinion?

23 MS. DOUGLAS: Objection to the extent you just  
24 mischaracterized John Shimkus' testimony.

28

1 You can answer to the extent you --

2 THE WITNESS: I certainly think that it was  
3 politically motivated and gerrymandered in a way that  
4 I believe is as to try to gain Democratic seats, and  
5 I have heard press testimony from the DCCC, more  
6 specifically Mr. Israel talking about this is going  
7 to be Ground Zero in terms of trying to gain seats to  
8 go back and takeover the United States House of  
9 Representatives.

10 Q Is that your opinion as to what occurred?

11 A That is my opinion.

12 Q Now, in terms of the redistricting process  
13 that occurred in Springfield, do you have any  
14 knowledge as to how that occurred?

15 A No.

16 Q Do you understand that there was both a  
17 state house redistricting committee and a state  
18 Senate Redistricting Committee?

19 A I was aware of that.

20 Q Okay. And were you aware, Congressman,  
21 that those two committees had a number of committee  
22 meetings around the State of Illinois?

23 A I don't know that that was the case.

24 Q Okay. Has anyone ever told you that either

29

1 of those committees had meetings around the State of  
2 Illinois?

3 MS. DOUGLAS: Objection; asked and answered.

4 THE WITNESS: No, I don't know that.

5 BY MR. BRUCE:

6 Q Suffice it to say, you did not appear at  
7 any of the state legislative redistricting committees  
8 to provide input on how you believe the map should  
9 have been drawn; is that true?

10 A I did not attend any meeting nor was aware  
11 of any.

12 Q My statement is true?

13 A Can you restate it again for me -- or read  
14 it back.

15 MR. BRUCE: Carla, please.

16 (Whereupon, the record was read  
17 as requested.)

18 THE WITNESS: I said I did not attend, nor was  
19 I aware of any of the meetings that were going on.

20 BY MR. BRUCE:

21 Q Did you provide any input at all to the  
22 state redistricting committees?

23 A I did not provide any input.

24 Q Prior to the newly passed congressional map

30

1 being adopted into law, had you already retained  
2 counsel?

3 A Yes.

4 Q And did either you or your counsel ever  
5 make any attempt to provide an alternative map to the  
6 Illinois redistricting process?

7 MS. DOUGLAS: Objection; that calls for  
8 attorney/client communications. I will instruct you  
9 not to answer.

10 BY MR. BRUCE:

11 Q Sir, to your knowledge, did anyone on your  
12 behalf ever submit an alternative map to the Illinois  
13 House Redistricting Committee or the Illinois Senate  
14 Redistricting Committee?

15 A No, not to my knowledge.

16 Q Can you think of any reason that would have  
17 precluded you from doing so?

18 MS. DOUGLAS: Objection; calls for speculation.

19 THE WITNESS: I would simply say we didn't have  
20 a whole lot of time to take a look at any map before  
21 it was basically put down and then passed, so there  
22 wasn't a whole lot of time.

23

24 BY MR. BRUCE:

31

1 Q Now, did you understand that each of those  
2 committees had web sites where they were receiving  
3 citizen input as to how the maps should be drawn and  
4 what factors to consider?

5 MS. DOUGLAS: Object to the form of the  
6 question.

7 THE WITNESS: I was not aware of any specific  
8 web sites that they were taking down comments.

9 BY MR. BRUCE:

10 Q Now, did you read the complaint that was  
11 filed on your behalf in this cause of action?

12 A Yes.

13 Q Did you agree with the statements that were  
14 made in that complaint?

15 A Yes.

16 Q Was there anything in that complaint that  
17 you disagreed with after you read it?

18 A No.

19 Q Did you understand that your lawyers filed  
20 a map that they suggested should be utilized as a  
21 part of the pleadings on your behalf?

22 A Yes.

23 Q Did you look at that map?

24 A Yes.

32

1 Q Who drew that map?

2 MS. DOUGLAS: Objection; foundation.

3 THE WITNESS: You're asking for a name?

4 BY MR. BRUCE:

5 Q Or names, plural.

6 MS. DOUGLAS: Objection; foundation.

7 If you don't know, you don't know.

8 THE WITNESS: I don't know. I have no  
9 foundation. I have no knowledge in terms of who  
10 actually drew the map.

11 BY MR. BRUCE:

12 Q Did you provide any input as to how the map  
13 that your lawyers have put forth was drawn?

14 MS. DOUGLAS: Objection; to the extent that  
15 that answer would involve an attorney/client  
16 communication. I would instruct you not to answer.

17 THE WITNESS: It was all attorney/client stuff.

18 BY MR. BRUCE:

19 Q Other than anything that you may have  
20 learned from your lawyers, do you have any knowledge  
21 whatsoever about the demographic composition of the  
22 map that has been proffered by the plaintiffs in this  
23 cause of action?

24 A The answer is yes. I think that we've seen

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

COMMITTEE FOR A FAIR AND )  
BALANCED MAP, JUDY )  
BIGGERT, ROBERT J. DOLD, )  
RANDY HULTGREN, ADAM )  
KINZINGER, DONALD )  
MANZULLO, PETER J. ROSKAM, )  
BOBBY SCHILLING, AARON )  
SCHOCK, JOHN M. SHIMKUS, )  
JOE WALSH, RALPH RANGEL, )  
LOU SANDOVAL, LUIS SANABRIA, )  
MICHELLE CABALLERO, )  
EDMUND BREZINSKI, and )  
LAURA WAXWEILER, )

Plaintiffs, )

vs. )

ILLINOIS STATE BOARD OF )  
ELECTIONS, WILLIAM A. )  
MCGUFFAGE, JESSE R. )  
SMART, BRYAN A. SCHNEIDER, )  
BETTY J. COFFRIN, )  
HAROLD D. BYERS, )  
JUDITH C. RICE, )  
CHARLES W. SCHOLZ, and )  
ERNEST L. GOWEN, )

Defendants. )

No. 1:11-cv-5065

**RECEIVED**  
OCT 07 2011  
POWER ROGERS & SMITH, P.C.

The videotaped deposition of  
CONGRESSMAN PETER ROSKAM, called by the Defendants,  
for examination, taken pursuant to notice, taken  
before CARYL L. HARDY, a Notary Public within and  
for the County of Cook, State of Illinois, and a  
Certified Shorthand Reporter of said state, taken

Page 10

1 Q. And who was your general opponent that  
 2 year, do you remember?  
 3 A. Tammy Duckworth.  
 4 Q. And have you served in the Congress since  
 5 that time in 2006?  
 6 A. Yes.  
 7 Q. And you're currently in leadership?  
 8 A. Yes.  
 9 Q. In what position?  
 10 A. Chief deputy whip.  
 11 Q. Have you always been a Congressman sixth  
 12 district?  
 13 A. Yes.  
 14 Q. Now, sir, did you play any role at all in  
 15 the redistricting process for the map that was  
 16 passed in Illinois in 2011?  
 17 MS. LIGHTFOOT: Object to the form.  
 18 BY THE WITNESS:  
 19 A. Could you give me -- what are you asking  
 20 me? I mean, it's a very broad question.  
 21 BY MR. BRUCE:  
 22 Q. It is a broad question and I -- I'm trying  
 23 to -- I don't want to take up your time,  
 24 Congressman.

Page 11

1 A. I've got time.  
 2 Q. Okay. Did you yourself play any firsthand  
 3 role in drawing any of the lines on the  
 4 Congressional map that was ultimately adopted in  
 5 2011?  
 6 A. By firsthand role, do you mean offering  
 7 amendments as a member of the Illinois General  
 8 Assembly or the Illinois Senate? No. I wasn't a  
 9 member of the legislature.  
 10 Q. And that's what I understood. The map  
 11 that you're taking issue with was passed by the  
 12 Illinois legislature and signed by the Illinois  
 13 governor; is that correct?  
 14 A. That's correct.  
 15 Q. Okay. What I'm getting at -- and I'm not  
 16 trying to be, you know, ev- -- I'm just trying to  
 17 directly address the issue. Did you have any role  
 18 at all in creating the map that was ultimately  
 19 adopted?  
 20 A. No.  
 21 Q. Okay. Did you speak to anyone that had a  
 22 direct role in adopting the map that you're taking  
 23 issue with?  
 24 MS. LIGHTFOOT: Object to the form.

Page 12

1 BY THE WITNESS:  
 2 A. Yes.  
 3 BY MR. BRUCE:  
 4 Q. Okay. Who did you speak to?  
 5 A. Senate President John Cullerton.  
 6 Q. Okay. Anyone else?  
 7 A. Not that I recall.  
 8 Q. And was that -- when was the  
 9 conversation -- did you have one conversation with  
 10 President Cullerton or more than one?  
 11 A. More than one.  
 12 Q. How many?  
 13 A. Two to my recollection.  
 14 Q. And were those in person or over the  
 15 phone?  
 16 A. Over the phone.  
 17 Q. Both of them?  
 18 A. Both of them.  
 19 Q. And when was the first conversation?  
 20 A. I don't recall.  
 21 Q. Do you have any notes of that conversation?  
 22 A. No.  
 23 Q. Did you have any -- at any time have you  
 24 either generated or received any correspondence,

Page 13

1 emails, notes, or any other tangible item with  
 2 respect to the redistricting of the map that you're  
 3 now taking issue with --  
 4 A. No.  
 5 Q. -- other than possibly from counsel? Go  
 6 ahead.  
 7 MS. LIGHTFOOT: Can I just have that  
 8 question read back?  
 9 (Record read.)  
 10 BY MR. BRUCE:  
 11 Q. You understood my question other than with  
 12 possibly your counsel?  
 13 A. I understood it. The answer is no.  
 14 Q. Okay. Back to the conversation that you  
 15 had with President Cullerton, the first  
 16 conversation, do you remember what month and year  
 17 that occurred in?  
 18 A. I recall that it was shortly before the  
 19 map was passed by the General Assembly.  
 20 Q. Hours, days, weeks?  
 21 A. In the days/weeks.  
 22 Q. And you knew President Cullerton from your  
 23 time in the Senate?  
 24 A. Yes.

Page 14

1 Q. Who initiated the phone call?  
 2 A. Senator Cullerton.  
 3 Q. And what did he say to you and what did  
 4 you say to him in that conversation?  
 5 A. My recollection is that he proposed a  
 6 version of the map that would have been favorable  
 7 to me personally; that he was interested in my  
 8 support for that and also for me encouraging other  
 9 Republicans to vote in favor of that map.  
 10 I recall that he said he had been in  
 11 contact with the Democratic Congressional Campaign  
 12 Committee, and I recall that he said that, in his  
 13 opinion, Judy Biggert, Congresswoman Biggert, was  
 14 gone under any version of the map.  
 15 Q. Do you remember anything else that he said  
 16 to you in that conversation?  
 17 A. He said that he had been in touch with  
 18 Congressman Randy Hultgren. And that's my  
 19 recollection.  
 20 Q. What did you say to President Cullerton in  
 21 that first conversation?  
 22 A. I asked him about the map.  
 23 Q. Did he ever provide you, either over fax  
 24 or in the mail or in an email, any -- any map or

Page 15

1 draft map for you to look at?  
 2 A. No.  
 3 Q. You asked him about the map. And what did  
 4 he say, do you remember?  
 5 A. He offered to have someone come and look  
 6 at the map in Springfield.  
 7 Q. And what did you say to that?  
 8 A. I said I'd think about it and would circle  
 9 back and possibly send someone to Springfield to  
 10 look at the map.  
 11 Q. Did you do that ultimately?  
 12 A. I did.  
 13 Q. Okay. Who did you send?  
 14 A. I sent my chief of staff, Steven Moore.  
 15 Q. M-o-o-r-e?  
 16 A. That's right.  
 17 Q. Is there anything else that you remember  
 18 about that conversation with President Cullerton  
 19 that you have not told us here today?  
 20 A. Not that I recall.  
 21 Q. Do you know, for example, what was it  
 22 about the map that Congressman -- that President  
 23 Cullerton was talking to you about that was  
 24 favorable to you personally?

Page 16

1 A. A map that, in his opinion -- a district  
 2 that, in his opinion, I could win. He expressed a  
 3 certain amount of flexibility in how the -- how the  
 4 districts were being fashioned and that if I was  
 5 able to get Republican support for the map, then he  
 6 would be able to put me in a map -- put me in a  
 7 district that was favorable to me.  
 8 Q. Well, that was nice of him.  
 9 Is there anything else about that  
 10 conversation that you have -- that you recall that  
 11 you've not told me about here today?  
 12 A. Not that I recall.  
 13 Q. Is there anything that would refresh your  
 14 recollection?  
 15 A. No.  
 16 Q. You had a subsequent conversation with  
 17 President Cullerton?  
 18 A. I did.  
 19 Q. What month and year was that? It was  
 20 2011.  
 21 A. It was 2011.  
 22 Q. Yeah. What month was that?  
 23 A. It was subsequent, so within the same time  
 24 frame generally.

Page 17

1 Q. So would this have all been occurring in  
 2 March or April or May? I mean, can you narrow it  
 3 down for a month?  
 4 A. I -- it was imminent to the House and the  
 5 Senate acting. I don't have a recollection as we  
 6 sit here today about what -- what month or what  
 7 week that was, but it was -- it was imminent to  
 8 that.  
 9 Q. Within days?  
 10 A. Within days.  
 11 Q. Okay. And by the way, was anyone in your  
 12 office when you spoke to Congress- -- President  
 13 Cullerton?  
 14 A. Not on the first conversation that --  
 15 Q. Okay.  
 16 A. -- we just talked about.  
 17 Q. Okay. And do you know if you were on the  
 18 speakerphone or if there was anyone else that was a  
 19 witness to the conversation at his end of the  
 20 telephone?  
 21 A. I don't know.  
 22 Q. All right. Tell me about the second  
 23 conversation. Did he call you, or did you call  
 24 him?

Page 18

1 A. Representative Randy Hultgren and I called  
2 President Cullerton.  
3 Q. From Washington?  
4 A. From Washington.  
5 Q. And was there any -- were you on a  
6 speakerphone?  
7 A. I don't recall.  
8 Q. Okay. And what did you say to President  
9 Cullerton in that telephone conversation?  
10 A. We essentially declined his offer.  
11 Q. You and Congressman Hultgren?  
12 A. That's right.  
13 Q. Why?  
14 A. It didn't seem like a good idea.  
15 Q. What didn't?  
16 A. The offer to find Republican votes on  
17 President Cullerton's proposed map.  
18 Q. And you understood he was willing to work  
19 with you and Congressman Hultgren in terms of  
20 moving the district lines based upon the original  
21 conversation?  
22 A. Yes.  
23 Q. Other than declining his offer, can you  
24 tell me anything else that you said to him or that

Page 19

1 Congressman Hultgren said to President Cullerton in  
2 that second conversation that you had?  
3 A. There was a reluctance that we expressed  
4 about not being able to see the map in its  
5 totality. In other words, we were shown  
6 information only about the proposed districts that  
7 we would run in, but there was no sense of seeing  
8 the larger picture.  
9 Q. Anything else that you said to President  
10 Cullerton or that he said to you that you can  
11 recall in that conversation?  
12 A. Not that I recall.  
13 Q. Would there be anything that would refresh  
14 your recollection?  
15 A. No.  
16 Q. And at this point, had you seen any map or  
17 draft map?  
18 A. Any map from the -- from Senator Cullerton?  
19 Q. Yes, sir.  
20 A. No.  
21 Q. Well, had you seen any map from anyone at  
22 this point?  
23 A. No.  
24 Q. Now, other than President Cullerton, did

Page 20

1 you ever speak to anyone that you understand that  
2 had any involvement at all -- strike that.  
3 Did you ever speak to any other state  
4 legislator about the redistricting process other  
5 than two those conversations that you had with  
6 President Cullerton?  
7 A. No.  
8 Q. Did you ever speak to any state  
9 legislative staff at any time regarding this  
10 legislative process?  
11 A. No.  
12 Q. And by that, I mean the redistricting  
13 process.  
14 A. I understood.  
15 Q. Okay. You told me about your chief of  
16 staff going down to Springfield?  
17 A. That's right.  
18 Q. Did he do that once or more than once?  
19 A. Once.  
20 Q. And did he obtain any documents for you to  
21 review?  
22 A. No.  
23 Q. And I take it you talked to Mr. Moore  
24 either while he was down there or after he came

Page 21

1 back?  
2 A. Correct.  
3 Q. And what did he -- did he call you while  
4 he was there or after he came back?  
5 A. My memory is that he called me while he  
6 was there.  
7 Q. All right. What did he say to you and  
8 what did you say to him in that conversation?  
9 A. I don't recall the details. I recall the  
10 essence which was he was invited in by Senator  
11 Cullerton to what was described as a map room. He  
12 was able to see only the proposed sixth district  
13 map and was not able to see the totality of the  
14 map. He was not allowed to take notes. And  
15 that -- that's the -- that's the essence of the  
16 conversation.  
17 Q. Do you remember anything else that  
18 Mr. Moore said to you or you said to him about his  
19 involvement in seeing the proposed sixth district  
20 map?  
21 A. No.  
22 Q. Do you remember any comments he made about  
23 where the boundaries were or anything of that  
24 nature?



Page 22

1 A. No.

2 Q. To your knowledge, did Mr. Moore speak to  
3 anyone in Springfield at any time himself about the  
4 redistricting and how the lines were drawn?

5 MS. LIGHTFOOT: Beyond what he's just  
6 testified to?

7 MR. BRUCE: Well, I don't think he  
8 testified that he talked to anybody.

9 BY MR. BRUCE:

10 Q. Did Mr. Moore, to your knowledge, talk to  
11 anybody when he was in President Cullerton's --

12 A. I don't know.

13 Q. Okay. I --

14 A. I interrupted. Go ahead and ask the  
15 question.

16 Q. Yeah. I understood you to say that  
17 Mr. Moore was shown the proposed sixth district map  
18 in the map room; is that correct?

19 A. That's my understanding.

20 Q. That's what he told you?

21 A. That's correct.

22 Q. Was it your understanding that Mr. Moore  
23 spent any time talking to President Cullerton about  
24 the substance of the map issue at all?

Page 23

1 A. I understand that they had a conversation.  
2 I don't know the duration of it.

3 Q. Okay. And you don't know what they talked  
4 about?

5 A. They talked about the -- what I  
6 essentially relayed to you a couple minutes ago.

7 Q. He's able to see the proposed map and he  
8 can't take any notes?

9 A. That's right.

10 Q. Anything else that you recall that  
11 Mr. Moore told you?

12 A. Not that I can recall.

13 Q. Sir, do you know who -- which individuals  
14 ultimately drew the map that was adopted in  
15 Springfield and passed into law?

16 A. I don't know.

17 Q. Do you know the intent of any of the  
18 individuals in terms of why they put various  
19 Congressional lines and boundaries in the map that  
20 was ultimately adopted?

21 MS. LIGHTFOOT: Object.

22 BY THE WITNESS:

23 A. Are you asking am I in the minds of those  
24 people?

Page 24

1 BY MR. BRUCE:

2 Q. No. Do you have any firsthand knowledge  
3 as to the intent of any of the individuals that  
4 actually created the map that was passed in  
5 Springfield?

6 A. No.

7 Q. Has anybody ever told you at any time that  
8 the Congressional lines were drawn to intentionally  
9 discriminate against any minority?

10 MS. LIGHTFOOT: You can answer that  
11 question yes or no.

12 BY THE WITNESS:

13 A. No.

14 BY MR. BRUCE:

15 Q. Has anyone ever told you at any time that  
16 the Congressional map that was ultimately adopted  
17 and passed in Illinois was intentionally drawn to  
18 discriminate against Latinos?

19 MS. LIGHTFOOT: You can answer that  
20 question yes or no.

21 BY THE WITNESS:

22 A. No.

23 BY MR. BRUCE:

24 Q. If you -- Congressman, I want to turn to a

Page 25

1 different kind of -- line of questions. Well,  
2 before we do, have I exhausted your recollection of  
3 conversations with anyone that was involved in  
4 drawing the map that was ultimately passed into  
5 law, or are there other conversations that you had  
6 that we have not talked about here today?

7 MS. LIGHTFOOT: One moment. Can you have  
8 that read back to me, please?

9 (Record read.)

10 MS. LIGHTFOOT: Counsel, is your question  
11 with the caveat outside of any privileged  
12 communications, or are you -- are you including  
13 that as well?

14 MR. BRUCE: I -- in fairness to me, I  
15 think I'm asking about any conversations.

16 MS. LIGHTFOOT: All right. I'm going to  
17 instruct you, Congressman Roskam, that you can  
18 answer the question yes or no as to if you had any  
19 other conversations and we'll take it step-by-step  
20 because I think the question intentionally imposes  
21 upon privileged communications.

22 THE WITNESS: Could you ask me the  
23 question again?

24 MR. BRUCE: I think it was a good one,

Page 34

1 A. That's true.  
 2 Q. Have you spoken to any Democratic  
 3 Congressmen at all about either the -- the process  
 4 which led to the map being adopted that you're  
 5 taking issue with either before or after the map  
 6 was adopted?  
 7 A. Yes.  
 8 Q. Who did you speak to?  
 9 A. Congressman Lipinski.  
 10 Q. And which Congress- -- Congressman  
 11 Lipinski are you referring to, the father or the  
 12 son?  
 13 A. The son, Congressman Dan Lipinski.  
 14 Q. Certainly.  
 15 Did you have one conversation with him or  
 16 more than one?  
 17 A. One conversation that I recall.  
 18 Q. And was that before or after the map was  
 19 adopted?  
 20 A. Before.  
 21 Q. And who initiated that conversation?  
 22 A. I did.  
 23 Q. And why did you do that?  
 24 A. In a playful conversation. I -- I just

Page 35

1 initiated a chat with him.  
 2 Q. And was that in Congress itself?  
 3 A. It was on the floor of the House of  
 4 Representatives.  
 5 Q. Certainly.  
 6 And when was that?  
 7 A. I don't recall.  
 8 Q. And playfully, what did you say to him and  
 9 what did he say to you about the redistricting?  
 10 A. Playfully what I said was it's all about  
 11 him; that he was the only member of Congress that,  
 12 with any certainty, was going to be coming back to  
 13 Washington; that every other member of Congress was  
 14 largely interchangeable in terms of the leadership  
 15 in Springfield and that he was the beneficiary of a  
 16 close relationship with the Speaker of the House,  
 17 Mike Madigan, and I congratulated him on his  
 18 certainty in coming back.  
 19 Q. And what was his response to that?  
 20 A. A playful shrug.  
 21 Q. He didn't -- he did not respond vocally?  
 22 A. Not that I recall.  
 23 Q. All right. And have you had any other  
 24 conversations either with Congressman Lipinski or

Page 36

1 anyone else in the Democratic Illinois delegation  
 2 about the redistricting process?  
 3 A. No.  
 4 Q. Have you ever spoken to any United States  
 5 senators at any time about the redistricting  
 6 process?  
 7 A. No.  
 8 Q. Have you ever spoken to Speaker Madigan,  
 9 Congresswoman Schakowsky, or Senator Durbin at any  
 10 time regarding the redistricting process or the map  
 11 that was ultimately adopted?  
 12 MS. LIGHTFOOT: Object to the form.  
 13 BY THE WITNESS:  
 14 A. No.  
 15 BY MR. BRUCE:  
 16 Q. There were a number of redistricting  
 17 committee hearings here in Illinois hosted by both  
 18 the House and the Senate. Let me first ask you,  
 19 are you aware of that fact?  
 20 A. I'm aware that there was a schedule, yes.  
 21 Q. Okay. Did you attend any of those  
 22 redistricting committee hearings yourself?  
 23 A. No.  
 24 Q. Did you ever at any time send anyone to

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1 attend those committee hearings on your behalf?  
 2 A. No.  
 3 Q. Did you ever at any time attempt to  
 4 provide the redistricting committees with any  
 5 alternative maps or information that they could  
 6 rely upon to formulate a map?  
 7 A. No.  
 8 Q. Do you agree with me nothing would have  
 9 precluded you from doing so?  
 10 MS. LIGHTFOOT: Object to the form,  
 11 assumes facts not in evidence.  
 12 BY THE WITNESS:  
 13 A. I just got confused by your question. The  
 14 question is, do I agree with you that nothing would  
 15 have precluded me from doing that?  
 16 BY MR. BRUCE:  
 17 Q. That's the question.  
 18 A. Nothing would have precluded me, but it  
 19 wouldn't have been very fruitful, in my view.  
 20 So in answer to your question, nothing  
 21 would have precluded me.  
 22 Q. All right. And whether or not it would  
 23 have been fruitful you don't know because you  
 24 didn't do it; is that a fair statement?

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1 MS. LIGHTFOOT: Object to the form,  
 2 mischaracterizes the witness' prior testimony.  
 3 BY THE WITNESS:  
 4 A. I think I do know. I think based on the  
 5 conversations that I had with Senator Cullerton, it  
 6 was clear that there was an agenda to move a map  
 7 forward that was going to create a great advantage  
 8 to the Democrats and they weren't interested in  
 9 substantive input into it. That's why I didn't  
 10 agree to reach out to Republicans to have them vote  
 11 in favor of it.  
 12 So could I have offered input? I could  
 13 have. I think the political reality was that  
 14 decisions had largely been made at that point and  
 15 it wasn't fruitful.  
 16 BY MR. BRUCE:  
 17 Q. Do you hold an opinion, Congressman, that  
 18 this map that was ultimately adopted was  
 19 intentionally drawn to politically favor the  
 20 Democratic Congressional delegation?  
 21 A. I do.  
 22 Q. And what's the basis of that opinion?  
 23 A. I think Senator Cullerton's comment to me  
 24 that Judy Biggert is gone under the map, the

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1 decision to put Congresswoman Biggert's home into  
 2 Mike Quigley's Congressional district linking  
 3 Hinsdale to the lakefront, the decision to put Bob  
 4 Dold's home into Congresswoman Jan Schakowsky's  
 5 district, the decision to pair up Don Manzullo and  
 6 Adam Kinzinger, the decision to put Adam  
 7 Kinzinger's home in Jesse Jackson's district, and  
 8 the fact that no Democrats who are currently  
 9 serving are in any serious jeopardy of re-election  
 10 led me to my conclusion.  
 11 Q. And it's your opinion that's why the map  
 12 was drawn the way it was?  
 13 A. Yes.  
 14 Q. I'd like to switch gears, Congressman, and  
 15 I'd like to ask you some questions about this  
 16 committee that's one of the named Plaintiffs.  
 17 Do you know anything about this committee?  
 18 A. I know the committee exists. I know it's  
 19 incorporated. I know a few members of the  
 20 committee.  
 21 Q. Are you a member of the committee?  
 22 A. No.  
 23 Q. Have you ever gone to any committee  
 24 meetings?

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1 A. Yes.  
 2 Q. How many?  
 3 A. One.  
 4 Q. And when and where was that?  
 5 A. It was a fundraiser for the committee  
 6 earlier this year.  
 7 Q. Where was it?  
 8 A. It was at a home on the North Side of  
 9 Chicago.  
 10 Q. Whose home was it in?  
 11 A. It was at the home of Don Wilson.  
 12 Q. And do you recall who was in attendance?  
 13 A. I recall Mr. Wilson and his wife. I  
 14 recall Lynn Martin. I recall Lisa Wagner. And  
 15 that's -- that's all I recall.  
 16 Q. And about how many people were there?  
 17 A. I would estimate 30.  
 18 Q. Did you recognize any Democrats that  
 19 you -- individuals that you knew to be Democrats at  
 20 the committee?  
 21 A. No.  
 22 Q. A poorly phrased question. I apologize.  
 23 At the function that you were referring to, did you  
 24 see anyone that you recognized to be a Democrat?

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1 A. No. I recall Judy Biggert was there.  
 2 Q. And how did the committee form, if you  
 3 know?  
 4 A. I don't know.  
 5 Q. All of the Congressmen and women who are  
 6 Plaintiffs to this lawsuit are Republican; is that  
 7 true?  
 8 A. That's correct.  
 9 Q. Are you a lifelong Republican?  
 10 A. For as long as I've been politically  
 11 active, yes.  
 12 Q. Can you tell me the names of any  
 13 individuals that are Plaintiffs that are not  
 14 Republicans?  
 15 A. I don't know.  
 16 Q. Have you read the complaint?  
 17 A. Yes.  
 18 Q. Was there any aspect of the complaint that  
 19 you disagreed with?  
 20 A. No.  
 21 Q. There's some individuals -- and I'll be  
 22 happy to show you. There's some -- there's some  
 23 non-Congressional named Plaintiffs. I was just  
 24 going to ask you if you knew any of those

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October 3, 2011

Page 1

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ILLINOIS

-----:  
COMMITTEE FOR A FAIR AND BALANCED :  
MAP, JUDY BIGGERT, ROBERT J. DOLD, :  
RANDY HULTGREN, ADAMKINZINGER, :  
DONALD MANZULLO, PETER J. ROSKAM, :  
BOBBY SCHILLING, AARON SCHOCK, :  
JOHN M. SHIMKUS, JOE WALSH, RALPH :  
RANGEL, LOU SANDOVAL, LUIS :  
SANABRIA, MICHELLE CABALLERO, :  
EDMUND BREZINSKI, and LAURA :  
WAXWEILER, :

Plaintiffs, :

v. :

Civil Action No.  
1:11-cv-05065

ILLINOIS STATE BOARD OF ELECTIONS, :  
WILLIAM M. MCGUFFAGE, JESSE R. :  
SMART, BRYAN A SCHNEIDER, BETTY J. :  
COFFRIN, HAROLD D. BYERS, JUDITH :  
C. RICE, CHARLES W. SCHOLZ, and :  
ERNEST L. GOWEN, :

Defendants. :

-----  
Deposition of ROBERT T. SCHILLING, a witness  
herein, at the law offices of Mayer, Brown, LLP,  
1999 K Street, N.W., Washington, D.C., commencing at  
2:26 p.m. on Monday, October 3, 2011, and the  
proceedings being taken down by stenotype and  
transcribed by Catherine B. Crump, a Notary Public in  
And for the District of Columbia.

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13 (Pages 46 to 49)

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<p>1 free to answer.</p> <p>2 THE WITNESS: All but one, all but Tim</p> <p>3 Johnson.</p> <p>4 BY MR. BRUCE:</p> <p>5 Q. I think what you mean to say,</p> <p>6 Congressman, is all of the members of the Republican</p> <p>7 delegation to the United States House of</p> <p>8 Representatives save Tim Johnson; is that correct?</p> <p>9 MR. PANOFF: Objection. Could we read back</p> <p>10 his answer to the question that he asked?</p> <p>11 [Whereupon, the requested testimony was read</p> <p>12 back by the court reporter.]</p> <p>13 BY MR. BRUCE:</p> <p>14 Q. I understood what you meant,</p> <p>15 Congressman. I just want to make the record. I'm</p> <p>16 trying to clarify the record for you.</p> <p>17 Did you mean to say all of the Republican</p> <p>18 members of the United States Congress from Illinois</p> <p>19 except for Representative Johnson?</p> <p>20 A. That is correct, sir.</p> <p>21 Q. None of the Democratic members of</p> <p>22 Congress are joined in this lawsuit with you; is that</p>	<p>1 BY MR. BRUCE:</p> <p>2 Q. That's what it sounded like when you</p> <p>3 were telling me that earlier. Am I correct in saying</p> <p>4 that?</p> <p>5 MR. PANOFF: Object to the form.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MR. BRUCE:</p> <p>8 Q. Okay. Now, do you understand that there</p> <p>9 was both a House and Senate Redistricting Committee</p> <p>10 in Springfield that was formulated?</p> <p>11 A. Yes.</p> <p>12 Q. And did you understand that there were</p> <p>13 Republican members both to the Senate Redistricting</p> <p>14 Committee and to the House Redistricting Committee?</p> <p>15 A. The majority, is that what you're</p> <p>16 saying?</p> <p>17 Q. No. Did you understand that there were</p> <p>18 Republican members to the Senate and House</p> <p>19 Redistricting Committees?</p> <p>20 A. Yes. That's how it works. Yes.</p> <p>21 Q. All right. And do you know any of those</p> <p>22 members of -- the Republican members of those</p>
Page 47	Page 49
<p>1 correct?</p> <p>2 A. That's correct.</p> <p>3 Q. Have you spoken to Congressman Johnson</p> <p>4 about this lawsuit?</p> <p>5 A. I have not.</p> <p>6 Q. Have you spoken to Congressman Johnson</p> <p>7 about this map that passed in Springfield?</p> <p>8 A. I have not.</p> <p>9 Q. And do you know why Congressman Johnson</p> <p>10 has not joined the lawsuit?</p> <p>11 MR. PANOFF: Objection. Calls for</p> <p>12 speculation.</p> <p>13 THE WITNESS: You would have to ask</p> <p>14 Congressman Johnson that.</p> <p>15 BY MR. BRUCE:</p> <p>16 Q. Now, as I understood your previous</p> <p>17 testimony, you take issue with the process in which</p> <p>18 the redistricting and the map that was passed in</p> <p>19 Springfield was actually created; is that true?</p> <p>20 A. That is true.</p> <p>21 MR. PANOFF: Object to the form.</p> <p>22 THE WITNESS: That's correct.</p>	<p>1 committees?</p> <p>2 A. I do not.</p> <p>3 Q. Kurt Dillard?</p> <p>4 A. Oh, I know Kurt. Yeah. Maybe you</p> <p>5 better read these guys off.</p> <p>6 Q. All right. Let me go through. In terms</p> <p>7 of the State representatives, State House members,</p> <p>8 there is a Jim Durkin.</p> <p>9 A. No.</p> <p>10 Q. Chapin Rose?</p> <p>11 A. No.</p> <p>12 Q. Tim Schmitz?</p> <p>13 A. No.</p> <p>14 Q. Jil Tracy?</p> <p>15 A. I know Jil.</p> <p>16 Q. Is she from your area?</p> <p>17 A. She's in the Quincy area, the part that</p> <p>18 they're taking away from me.</p> <p>19 Q. Okay. And she is a Republican?</p> <p>20 A. Yes, she is.</p> <p>21 Q. Did you ever at any time speak to</p> <p>22 Representative Tracy about your concerns about the</p>

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14 (Pages 50 to 53)

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<p>1 map making process?</p> <p>2 MR. PANOFF: Object to the form.</p> <p>3 THE WITNESS: No, sir.</p> <p>4 BY MR. BRUCE:</p> <p>5 Q. Did you ever speak to Representative</p> <p>6 Tracy about when the Redistricting Committee would</p> <p>7 meet in your area, geographic area?</p> <p>8 A. No, sir.</p> <p>9 Q. Do you know the Redistricting Committees</p> <p>10 met throughout the State of Illinois to gather input</p> <p>11 to formulate the map?</p> <p>12 A. I know that they met to hear concerns,</p> <p>13 but not so much to formulate the map.</p> <p>14 Q. Okay. What's your understanding as to</p> <p>15 why the committee meetings were being held all over</p> <p>16 the State of Illinois?</p> <p>17 A. It was more of a visual thing to make it</p> <p>18 look like that they were giving people -- allowing</p> <p>19 people's voices to be heard, and I know that some</p> <p>20 folks had gone to the one in Rock Island County and</p> <p>21 that some of the words back from people were that it</p> <p>22 was like they weren't even being listened to.</p>	<p>1 Q. Did you at any time make any effort to</p> <p>2 attend any Redistricting Committee meeting?</p> <p>3 A. No, sir. I'm a member of Congress and</p> <p>4 my schedule would not allow me to. I believe that</p> <p>5 the one that they had in Rock Island County, I was in</p> <p>6 Washington, D.C. If I would have been able to go to</p> <p>7 the meeting, I would have.</p> <p>8 Q. Do you remember the date of the one that</p> <p>9 was in Rock Island County?</p> <p>10 A. I do not.</p> <p>11 Q. Do you know if it was a House or Senate</p> <p>12 Committee?</p> <p>13 A. I don't know. I just know that they had</p> <p>14 a meeting there.</p> <p>15 Q. Did you ever, at any time, make any</p> <p>16 attempt to send anyone on your behalf to go to any of</p> <p>17 these House or Senate Redistricting Committee</p> <p>18 meetings?</p> <p>19 A. No, sir.</p> <p>20 Q. You could have done so; is that correct?</p> <p>21 MR. PANOFF: Object to the form.</p> <p>22 THE WITNESS: Um-hum.</p>
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<p>1 Q. Okay. Who told you it was a visual</p> <p>2 thing?</p> <p>3 A. That's what I just said. No one told me</p> <p>4 it was a visual thing.</p> <p>5 Q. Which folks went to Rock Island County?</p> <p>6 What were their name?</p> <p>7 A. I don't recall the names of the people.</p> <p>8 There's a group of people that went from Rock Island</p> <p>9 County and said that it was basically more of a show</p> <p>10 than to do a proper remap, and the reason they went</p> <p>11 was because of the 17th District, of how</p> <p>12 gerrymandered it was to try to avoid that from</p> <p>13 happening again.</p> <p>14 Q. And you can't tell me any of those</p> <p>15 people's names that you spoke to about it?</p> <p>16 A. I can't, sir.</p> <p>17 Q. Would that be written down anywhere?</p> <p>18 A. No.</p> <p>19 Q. Would there be anything that would</p> <p>20 refresh your recollection about who these</p> <p>21 unidentified folks were?</p> <p>22 A. No.</p>	<p>1 BY MR. BRUCE:</p> <p>2 Q. Yes?</p> <p>3 A. Yes.</p> <p>4 Q. Did you ever speak to any lawyers about</p> <p>5 asking them to provide input on your behalf to any of</p> <p>6 these committees about how the Congressional 17th</p> <p>7 District should be drawn?</p> <p>8 MR. PANOFF: You can answer that yes or no.</p> <p>9 THE WITNESS: No, sir.</p> <p>10 I want to verify, also, I don't know if I was</p> <p>11 in D.C. at the time when they were having the hearing</p> <p>12 in Rock Island County or if I was out in the field</p> <p>13 with previous engagements as to why I did not make it</p> <p>14 to that meeting.</p> <p>15 BY MR. BRUCE:</p> <p>16 Q. Well, who keeps your schedule?</p> <p>17 A. Claire Repass.</p> <p>18 Q. And she's in your Illinois office?</p> <p>19 A. D.C. office.</p> <p>20 Q. So Claire would know where you were at?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Now, did you at any time send any letter</p>

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15 (Pages 54 to 57)

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<p>1 or any thoughts about how the 17th Congressional</p> <p>2 District should be drawn to any of the chairpersons</p> <p>3 or committee members of the Redistricting Committees?</p> <p>4 MR. PANOFF: Object to the form.</p> <p>5 THE WITNESS: I did not.</p> <p>6 BY MR. BRUCE:</p> <p>7 Q. All right. Did you have any concerns</p> <p>8 during the time period in which the map process was</p> <p>9 taking place about how it was occurring?</p> <p>10 MR. PANOFF: Object to the form.</p> <p>11 THE WITNESS: I mean, I'm from Illinois. Of</p> <p>12 course, I did.</p> <p>13 BY MR. BRUCE:</p> <p>14 Q. Okay. What I'm trying to find out,</p> <p>15 Congressman, I'm trying to find out did you do</p> <p>16 anything to offer anyone in the State legislature</p> <p>17 your thoughts of the map or, more specifically, how</p> <p>18 the 17th District should be drawn.</p> <p>19 A. No. I didn't because it wasn't going to</p> <p>20 matter, sir.</p> <p>21 Q. Well, how do you know that?</p> <p>22 A. Because it's how we do business in</p>	<p>1 BY MR. BRUCE:</p> <p>2 Q. Okay. Well, tell me what you know about</p> <p>3 that committee.</p> <p>4 MR. PANOFF: Object to the form. To the</p> <p>5 extent it calls for any communications with counsel,</p> <p>6 I'll instruct you not to answer. If you have any</p> <p>7 independent basis, feel free to do so.</p> <p>8 THE WITNESS: I don't have any independent</p> <p>9 basis.</p> <p>10 BY MR. BRUCE:</p> <p>11 Q. So the only thing that you know about</p> <p>12 this Committee for a Fair and Balanced Map is what</p> <p>13 your attorneys have told you privately; is that true?</p> <p>14 A. Yeah, and just by looking at the map</p> <p>15 differences, they're going to allow the people to</p> <p>16 pick the politician versus the politician picking the</p> <p>17 people.</p> <p>18 Q. So would more Republicans get elected if</p> <p>19 the map that you're proffering would be adopted?</p> <p>20 MR. PANOFF: Objection. Calls for</p> <p>21 speculation.</p> <p>22 BY MR. BRUCE:</p>
Page 55	Page 57
<p>1 Illinois, sir. We're 48 out of 50 in job creation.</p> <p>2 Sorry.</p> <p>3 Q. Do you think that jobs have to do with</p> <p>4 how the congressional map is drawn?</p> <p>5 A. Yeah. I believe when you've got people</p> <p>6 that are overtaxed and businesses out of the entire</p> <p>7 State, yeah, it has a great deal to do with it, sir.</p> <p>8 Q. Do you know if Congressman Johnson</p> <p>9 agrees with you on that point?</p> <p>10 MR. PANOFF: Object to the form.</p> <p>11 THE WITNESS: You'd have to call him.</p> <p>12 MR. PANOFF: Speculation.</p> <p>13 BY MR. BRUCE:</p> <p>14 Q. Now, are you a member of this committee</p> <p>15 that was formed that's the plaintiff in the lawsuit</p> <p>16 that we're here for today?</p> <p>17 MR. PANOFF: Object to the form. Are you</p> <p>18 referring to the Committee for a Fair and Balanced</p> <p>19 Map?</p> <p>20 MR. BRUCE: I think that's what the committee</p> <p>21 has decided to call itself.</p> <p>22 THE WITNESS: I'm not on the committee, sir.</p>	<p>1 Q. I don't want you to speculate. Can you</p> <p>2 tell me?</p> <p>3 A. No. I believe that the --</p> <p>4 MR. PANOFF: How can he tell you who is going</p> <p>5 to win an election? You're asking him to speculate.</p> <p>6 MR. BRUCE: He's already told me that it's</p> <p>7 less advantageous.</p> <p>8 BY MR. BRUCE:</p> <p>9 Q. This map is less advantageous for you.</p> <p>10 We've already gone through that. So my question is</p> <p>11 do you think that more Republicans would be elected</p> <p>12 in the map that's being proffered by the Republicans</p> <p>13 in this lawsuit?</p> <p>14 MR. PANOFF: Objection. Calls for</p> <p>15 speculation. Feel free to answer.</p> <p>16 THE WITNESS: I believe that this map</p> <p>17 basically takes the will of the people away from the</p> <p>18 past election, and what it does by the drawings is it</p> <p>19 makes it more advantageous for the Democrats to hold</p> <p>20 a majority in the State.</p> <p>21 [Exhibit No. 4 was identified</p> <p>22 for the record.]</p>

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